



AGENDA

GENERAL COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

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**WEDNESDAY, JUNE 18, 2014 –
IMMEDIATELY FOLLOWING SPECIAL COUNCIL**

COUNCIL CHAMBER – 2nd FLOOR – CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1

Members

Mayor Hazel McCallion	
Councillor Jim Tovey	Ward 1
Councillor Pat Mullin	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor Frank Dale	Ward 4 (Chair)
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Katie Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Contact:

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sacha.smith@mississauga.ca

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CALL TO ORDER

APPROVAL OF THE AGENDA

DECLARATIONS OF CONFLICT OF INTEREST

PRESENTATIONS - Nil

DEPUTATIONS

- A. Item 2 Scott Sylvia, Senior, OSPCA Inspector
- B. Item 2 Dr. Warren DVM, Veterinarian and Founder of Southdown Animal Clinic

MATTERS TO BE CONSIDERED

Unfinished Business

- 1. Renaming of Millgrove Park (P-204) – 6181 Edenwood Drive (Ward 9)

New Business

- 2. Proposed Amendments to the Animal Care and Control By-law 0098-04, as amended, regarding the standards of care for the keeping and housing of dogs and animals.
- 3. Methadone Licensing By-law
- 4. Proposal to Increase the Set Fines Related to the Towing Industry
- 5. City Initiated Official Plan Amendment and Rezoning for the Development of a New South East Operations Yard (Ward 1)
- 6. Single Source Contract Renewal with Infor Public Sector, Inc. for Enroute Fire Computer-Aided Dispatch System for the Joint Fire Communications Centre File Ref: Procurement FA.49.439-14; fa.49.381-10 (Original)

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CONTINUED

7. Contract Renewals for CCG Systems, Inc. (Faster Fleet Management) – FA.49.355-14, HLP, Inc. (Chameleon, Animal Licenses) – FA.49.-381-14 and Enghouse Transportation (Interactive Voice Response to Hastus System) – FA.49.-382-14
8. Corporate Policy – Staff Procedure for Handling Frivolous and Vexatious Complaints

ADVISORY COMMITTEE REPORTS

Environmental Advisory Committee Report 4-2014 – June 10, 2014

Towing Industry Advisory Committee Report 4-2014 – June 10, 2014

COUNCILLORS' ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION

(Pursuant to Subsection 239 (2) of the Municipal Act, 2001)

The Security of the Property of the Municipality or Local Board - Amended and Restated Development Agreement between the City and OMERS Realty Management Corporation and 156 Square One Limited.

ADJOURNMENT

CALL TO ORDER

APPROVAL OF THE AGENDA

DECLARATIONS OF CONFLICT OF INTEREST

PRESENTATIONS - Nil

DEPUTATIONS

- A. Item 2 Scott Sylvia, Senior, OSPCA Inspector
- B. Item 2 Dr. Warren DVM, Veterinarian and Founder of Southdown Animal Clinic

MATTERS TO BE CONSIDERED

Unfinished Business

1. Renaming of Millgrove Park (P-204) – 6181 Edenwood Drive (Ward 9)

Corporate Report dated April 15, 2014 from the Commissioner of Community Services with respect to the renaming of Millgrove Park.

This report was presented to General Committee at its meeting on May 7, 2014; the name was considered for at least thirty (30) days according to established protocol.

RECOMMENDATION

That Millgrove Park located at 6181 Edenwood Drive be renamed to Charles “Bud” Brennan Memorial Park.

New Business

2. Proposed Amendments to the Animal Care and Control By-law 0098-04, as amended, regarding the standards of care for the keeping and housing of dogs and animals.

Corporate Report dated June 4, 2014 from the Commissioner of Transportation and Works with respect to proposed amendments to the Animal Care and Control By-law 0098-04, as amended.

(2.)

RECOMMENDATION

1. That a by-law be enacted to amend the Animal Care and Control By-law 0098-04, as amended, to improve the standards of care for animals and dogs as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposed Amendments to the Animal Care and Control By-law 0098-04, as amended, regarding the Standards of Care for the Keeping and Housing of Dogs and Animals".
2. That the Animal Care and Control By-law 0098-04, as amended, be amended to provide Animal Services officers with the authorization to enter on lands, as provided for under the Municipal Act, to carry out an inspection to determine whether the by-law has been complied with and to investigate where an animal is reported to be in distress or lacking in the standards of care.
3. That information outreach, using existing communication channels, continue to be used by staff to raise public awareness and improve compliance with the Animal Care and Control By-law 0098-04, as amended, and be updated to inform pet owners about responsible pet care related to tethering, standards of care, extreme weather, pets in vehicles and barking dogs.

3. Methadone Licensing By-law

Corporate Report dated June 3, 2014 from the City Solicitor with respect to a Methadone Licensing By-law.

RECOMMENDATION

That a By-law be enacted to license and regulate methadone clinics and methadone pharmacies as outlined in the report from the City Solicitor, dated June 3, 2014 and entitled "Methadone Licensing By-law".

4. Proposal to Increase the Set Fines Related to the Towing Industry

Corporate Report dated June 4, 2014 from the Commissioner of Transportation and Works with respect to a proposal to increase the set fines related to the Towing Industry.

RECOMMENDATION

1. That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, to include increased set fines as approved by the Ministry of the Attorney General as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposal to Increase the Set Fines Related to the Towing Industry".

(4.)

2. That Legal Services be authorized to make an application to the Ministry of the Attorney General for set fines under Part 1 of the Provincial Offences Act for the Tow Truck Licensing By-law 521-04, as amended, as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposal to Increase the Set Fines Related to the Towing Industry".

5. City Initiated Official Plan Amendment and Rezoning for the Development of a New South East Operations Yard (Ward 1)

Corporate Report dated June 6, 2014 from the Commissioner of Transportation and Works with respect to the City initiated Official Plan Amendment and Rezoning for the development of a new south east operations yard.

RECOMMENDATION

That the Planning and Building Department be directed to commence the process for a City initiated Official Plan Amendment and Rezoning for 2385 Loreland Avenue for the purposes of developing a new Works and Parks operations yard including the outdoor storage of equipment and materials.

6. Single Source Contract Renewal with Infor Public Sector, Inc. for Enroute Fire Computer-Aided Dispatch System for the Joint Fire Communications Centre File Ref: Procurement FA.49.439-14; fa.49.381-10 (Original)

Corporate Report dated June 2, 2014 from the Commissioner of Corporate Services and Chief Financial Officer with respect to a single source contract renewal with Infor Public Sector Inc.

RECOMMENDATION

1. That the Purchasing Agent be authorized to execute the necessary agreements with Infor Public Sector, Inc. for the supply of software maintenance and support with associated consulting services and application licenses to support the City's EnRoute Fire Computer Aided Dispatch (CAD) at a cost of \$1,408,340 exclusive of taxes, based on a five year plus two year optional contract term.
2. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contract where necessary to accommodate growth by adding licenses with maintenance and support where funding is approved in the budget planning process.

(6.)

3. That Infor Public Sector, Inc. continues to be designated a “City Standard” until further performance review and evaluation has been completed with the current system by Mississauga Fire and Emergency Services (MFES) and partner agencies at which point the city will either decide to continue with the current vendor or to acquire a new system.

7. Contract Renewals for CCG Systems, Inc. (Faster Fleet Management) – FA.49.355-14, HLP, Inc. (Chameleon, Animal Licenses) – FA.49.-381-14 and Enghouse Transportation (Interactive Voice Response to Hastus System) – FA.49.-382-14

Corporate Report dated June 4, 2014 from the Commissioner of Corporate Services and Chief Financial Officer with respect to contract renewals for CCG Systems Inc.

RECOMMENDATION

1. That the Purchasing Agent be authorized to execute the necessary agreements for the period of April 1, 2015 to March 31, 2019 with CCG Systems, Inc. for the supply of Faster software maintenance and support at an estimated cost of \$236,335 US exclusive of taxes, based on a four year contract term.
2. That the Purchasing Agent be authorized to execute the necessary agreements for the period of November 1, 2014 to October 31, 2019 with HLP, Inc. for the supply of Chameleon software maintenance and support at an estimated cost of \$120,000 exclusive of taxes, based on a five year contract term.
3. That the Purchasing Agent be authorized to execute the necessary agreements for the period of August 1, 2014 to July 31, 2019 with Enghouse Transportation for the supply of Busline IVR software maintenance and support at an estimated cost of \$116,330 exclusive of taxes, based on a five year contract term.
4. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contracts where necessary to accommodate growth by adding license with maintenance and support where funding is approved in the Budget.
5. That CCG Systems, Inc. (Faster Fleet Management), HLP, Inc. (Chameleon, Animal Licenses) and Enghouse Transportation (IVR to Hastus) continue to be designated a “City Standard” until replacement system has been acquired and implemented.

8. Corporate Policy – Staff Procedure for Handling Frivolous and Vexatious Complaints

Corporate Report dated June 5, 2014 from the City Manager and Chief Administrative Officer with respect to a Policy for handling frivolous and vexatious complaints.

RECOMMENDATION

That the draft Corporate policy outlined in the report from the City Manager and Chief Administrative Officer, dated June 5, 2014 and entitled “Staff Procedure for Handling Frivolous and Vexatious Complaints” be approved.

ADVISORY COMMITTEE REPORTS

Environmental Advisory Committee Report 4-2014 – June 10, 2014

(Recommendation EAC-0019-2014 to EAC-0023-2014)

Towing Industry Advisory Committee Report 4-2014 – June 10, 2014

(Recommendation TIAC-0011-2014 to TIAC-0013-2014)

COUNCILLORS’ ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION

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ADJOURNMENT



Corporate Report

Clerk's Files

Originator's Files PO.01.MIL

DATE: April 15, 2014

TO: Chair and Members of the General Committee
Meeting Date: May 7, 2014

FROM: Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

SUBJECT: Renaming of Millgrove Park (P-204)
6181 Edenwood Drive
(Ward 9)

General Committee

MAY 07 2014

General Committee

JUN 10 2014

RECOMMENDATION: That the request to rename Millgrove Park, located at 6181 Edenwood Drive, to Charles "Bud" Brennan Memorial Park be considered for the period of 30 days.

BACKGROUND: In accordance with the City's "Property and Facility Naming and Dedications" corporate policy, the Community Services Department is directed to present names for the General Committee and Council's consideration for the purposes of naming parks, trails, and facilities in the City of Mississauga. In accordance with the policy, General Committee is requested to consider the recommended names presented by the Community Services Department for a period of 30 days, after which the Committee is asked to make a final recommendation to Council.

The subject report outlines the renaming request of Millgrove Park, located at 6181 Edenwood Drive and situated in Ward 9 (Appendix 1).

COMMENTS:

Charles "Bud" Brennan was born on November 8, 1944. As a retired member of the OPP, he served as a community watch for Millgrove Park and children in the neighbourhood. Charles actively worked to ensure this community space was well-maintained through hands-on involvement in the park.

On January 8, 2012, Charles passed away, leaving his wife, four children and grandchildren.

The request to rename Millgrove Park in recognition of Charles "Bud" Brennan was brought forth by local residents. A survey provided to Councillor Saito's office demonstrated the strong neighbourhood support for the renaming. The Millgrove Park name does not have a strong connection with the neighbourhood as a park sign had never been erected.

In accordance with the City's "Property and Facility Naming and Dedications" corporate policy, this proposed renaming of Millgrove Park in recognition of Charles "Bud" Brennan is consistent with a selection criteria which gives preference to names which "honour, posthumously, the significant contribution of an individual to the community."

Councillor Saito (Ward 9) has been consulted and supports the recommended name.

FINANCIAL IMPACT: There is no material financial impact associated with this initiative.

CONCLUSION: The proposed renaming of Millgrove Park (Ward 9) to Charles "Bud" Brennan Memorial Park is in accordance with the City's "Property and Facility Naming and Dedications" corporate policy and should be considered by General Committee for 30 days as per policy.

ATTACHMENTS:

Appendix 1: Map of Millgrove Park



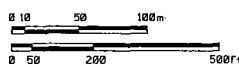
Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

Prepared By: Heather Wright, Intern Planner, Park Planning

Appendix 1



Location Map for Millgrove Park
6181 Edenwood Dr.





Corporate Report

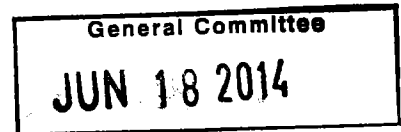
Clerk's Files

Originator's
Files

2.

DATE: June 4, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014



FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Proposed Amendments to the Animal Care and Control By-law 0098-04, as amended, regarding the Standards of Care for the Keeping and Housing of Dogs and Animals**

- RECOMMENDATION:**
1. That a by-law be enacted to amend the Animal Care and Control By-law 0098-04, as amended, to improve the standards of care for animals and dogs as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposed Amendments to the Animal Care and Control By-law 0098-04, as amended, regarding the Standards of Care for the Keeping and Housing of Dogs and Animals".
 2. That the Animal Care and Control By-law 0098-04, as amended, be amended to provide Animal Services officers with the authorization to enter on lands, as provided for under the *Municipal Act*, to carry out an inspection to determine whether the by-law has been complied with and to investigate where an animal is reported to be in distress or lacking in the standards of care.
 3. That information outreach, using existing communication channels, continue to be used by staff to raise public awareness and improve compliance with the Animal Care and Control By-law 0098-04, as amended, and be updated to inform pet owners

about responsible pet care related to tethering, standards of care, extreme weather, pets in vehicles and barking dogs.

**REPORT
HIGHLIGHTS:**

- At its meeting of January 22, 2014 Council received a deputation by Mr. Shane McNeil and directed staff to review the Animal Care and Control By-law 0098-04, as amended, regarding dogs being left outside in extreme weather and report back to Council (resolution 0004-2014).
- This report addresses the following issues related to the care and control of animals, including dogs:
 - leaving animals outside 24/7 and during extreme weather;
 - tethering dogs;
 - pet housing size and build qualities for animals left outside;
 - enclosure/pen size;
 - transporting animals in motor vehicles; and,
 - leaving animals in parked or unattended motor vehicles.
- Staff consulted and/or obtained information from veterinary, animal welfare and kennel club associations; Canadian municipalities; provincial laws related to animal welfare; and, U.S.A jurisdictions.
- This report also addresses staff comments on five additional items related to animal rights that were identified in subsequent correspondence to the Mayor, Council and staff since the deputation to Council on January 22, 2014. The items identified include: mandatory/large scale spay and neuter programs, banning the sale of pets from pet stores, banning the use of pens and crates, providing protection for animals from abuse and increasing the fines for offenders.
- In summary, the Canadian research from veterinary, animal welfare and kennel club associations; Canadian municipalities; and, provincial laws related to animal welfare indicates:
 - Dogs thrive outdoors if they have adequate shelter and care. Bringing all dogs/animals indoors during an extreme weather

- event was unrealistic and in some cases would not constitute a safe or humane approach. Each situation should be investigated on a case by case basis as many factors need to be considered such as type and breed of animal, body condition of the animal, length of coat, the age of the animal, shelter availability and environmental conditions.
- Tethering may be necessary in some cases. Tethering requirements should include safety measures, access to food, water, shelter at all times and that a tethered dog should have a break from confinement and be provided with exercise opportunities.
 - Companion animals should not ride outside the passenger compartment of the vehicle unless contained, secured and sheltered and animals should never be left unattended in a vehicle during conditions that can cause harm or distress to the animal.
- A synopsis of the research from U.S.A jurisdictions indicates:
 - The U.S.A. has stricter companion animal regulations in some areas, particularly related to tethering and extreme weather but not one jurisdiction or state prohibited a companion animal from being kept outdoors.
 - Some municipalities, particularly in the southern states, include provisions to bring animals inside if the temperature would affect the health and well-being of the animal.
 - Housing and pen size regulations were often broad, providing general build quality descriptors relating to safety, quality and comfort. Pen sizing was generally based on the size of the dog and the number of dogs in the enclosure.
 - Many jurisdictions have restrictions related to tethering for safety and during extreme weather events such as hurricanes, tornadoes, flooding or extreme temperatures. There are also municipalities that ban the practice of tethering and those that regulate the time frame in which the animal can be tethered based on the time of day or number of hours the animal is on a tether.
 - Many U.S.A. jurisdictions do not allow animals to ride in an open vehicle. Many do not allow dogs to be left in vehicles unattended, particularly in the southern states.

- Changes to the Animal Care and Control By-law 0098-04, as amended, are proposed to address the following:
 - Tethering regulations to address safety with requirements for supervision, access to shade and prohibited equipment.
 - Dog house requirements for bedding, additional build qualities, and access to shade which will better address extreme weather in both summer and winter months.
 - Dog pen enclosures be regulated with requirements for size, safety, comfort and sanitary conditions.
 - Regulations to address safety issues for animals in motor vehicles whether parked or during transport.
 - Animal Services officers be given a right of inspection for standards of care complaints to enable them, at any reasonable time, to enter upon and inspect the land of any person to ensure that the provisions of the Animal Care and Control By-law 0098-04, as amended, are complied with.
- It is not proposed to amend the Animal Care and Control By-law 0098-04, as amended, to adopt standards of care regulations relating to animals and extreme weather. Provincial legislation exists to address situations that involve distressed animals and extreme weather and authorizes the removal of distressed animals by an OSPCA inspector or police officer.

BACKGROUND:

At its meeting of January 22, 2014 Council approved resolution 0004-2014 as noted below:

“That Council receive the deputation by Shane McNeil and direct staff to review By-law 0098-04 regarding dogs being left outside during extreme weather conditions and report back to Council.”

Also at its meeting of January 22, 2014, Council received 40 petitions and two information items related to the issue of dogs being left outside in extreme weather conditions and referred it to the Transportation and Works Department, Enforcement Division for a report.

Council received a second deputation on April 2, 2014 from Ms. Joanna Bond, a resident of Mississauga regarding the practice of tethering dogs. Council acknowledged the deputation and advised that the Animal Care and Control By-law 0098-04, as amended, was currently under review.

Since January 22, 2014, an additional five information items have been identified in correspondence received by the Mayor, Members of Council and staff.

This report is in response to the above-noted Council resolution, deputations and five additional information items identified in the correspondence received by the Mayor, Members of Council and staff.

COMMENTS:Issues Addressed:

This report addresses the following issues related to the care and control of animals, including dogs:

- leaving animals outside 24/7 and during extreme weather;
- tethering dogs;
- pet housing size and build qualities for animals left outside;
- enclosure/pen size;
- transporting animals in motor vehicles; and,
- leaving animals unattended in motor vehicles.

Sources Consulted:

In preparing this report staff consulted and/or obtained information from the following sources:

- Veterinary, animal welfare and kennel club associations, including:
 - Canadian Veterinary Medical Association (CVMA); Ontario Veterinary Medical Association (OVMA); Canadian Federation of Humane Societies (CFHS); Ontario Society for the Prevention of Cruelty to Animals (OSPCA); Canadian Kennel Club (CKC); and, American Kennel Club (AKC).

- Ontario municipalities: Brampton, Markham, Oakville, Windsor, London, Kitchener/Waterloo and Thunder Bay.
- Canadian municipalities: Winnipeg, Regina, Calgary, Edmonton, Montreal, Quebec City, Ottawa, and Whitehorse.
- Provincial laws relating to animal welfare: Ontario, Alberta, Manitoba, Saskatchewan, Yukon Territories and Nova Scotia.
- U.S.A. jurisdictions identified by Mr. Shane McNeil:
 - Chagrin Falls, Ohio; Grand Prairie, Texas; Moundsville, West Virginia; Topeka, Kansas; Creve Coeur, Missouri; State of Rhode Island; Maumelle, Arkansas; Collier County Florida; Pembroke Park, Florida; Taos, New Mexico; Forsyth County, North Carolina; and,
- Other U.S.A. jurisdictions:
 - Phoenix, Arizona; Tallahassee and Miami, Florida; Baton Rouge and New Orleans, Louisiana; Jefferson City, Missouri; Austin, Texas; Juneau, Alaska; Atlanta, Georgia; Detroit and Lansing, Michigan; Helena, Montana; Lincoln, Nebraska; Bismarck, North Dakota; Madison, Wisconsin; Montpelier, Vermont; and the state of Ohio.

Recommendations from the Veterinary Community:

Staff consulted with veterinary expert, Dr. Warren Skippon, Manager of National Issues of Animal Welfare for the CVMA and Dr. Tim Zaharchuk, former president of the OVMA and ex-officio member and representative of the CVMA's, Animal Welfare Committee (AWC).

The CVMA's and AWC's position is that dogs thrive outdoors if they have adequate shelter and care and the AWC does not think it realistic to prohibit dogs from remaining outdoors at all times. However, these groups insisted that all dogs should have access to adequate shelter at all times while outdoors. Shelters must be adequate based on the weather conditions and the size and type of animal to provide protection from sun, wind, rain and snow.

The AWC approves of the OSPCA dog house guidelines. Enclosure size must allow animals or dogs to engage in typical behaviours, maintain social distances, and have adequate space for urination, defecation, resting and eating. The AWC recommends that requirements must be made for safety; rest; play; food; clean water; environmental enrichment; exercise and socialization (to maintain health); regular grooming and nail trimming; disease and parasite prevention; and, medical care to prevent distress.

The AWC does not think that bringing all dogs/animals indoors during an extreme weather event was realistic or in some cases would not constitute a safe or humane approach. They strongly recommend investigating each situation on a case by case basis as many factors need to be considered such as type and breed of animal, body condition of the animal, length of coat, the age of the animal, shelter availability, and environmental conditions.

The AWC suggested that tethering may be necessary in some cases to protect the animal or the public but did not think it is realistic for tethered dogs to be supervised at all times. They agree that tethered dogs are more at risk to behavioural problems including aggression and territorial behaviour and that some dogs may not be suitable for tethering due to hyperactivity or age. They strongly recommend tethering requirements include safety measures, access to food, water, shelter at all times and that a tethered dog should have a break from confinement and be provided with exercise opportunities.

Regarding the issue of companion animals travelling in motor vehicles, the AWC strongly agrees that companion animals should not ride outside the passenger compartment unless contained, secured and sheltered and animals should never be left unattended in a vehicle during conditions that can cause harm or distress to the animal.

Recommendations from the Animal Welfare Community:

CFHS:

The CFHS recommends that municipalities make every effort to ensure that pet owners provide their animals with care to meet their species-specific health, physical, social and behavioural needs. This should include clean water, food, proper housing, appropriate

companionship, health care and exercise.

Barbara Cartwright, President and CEO for the CFHS recommends that due to the variability of breeds as well as many other factors, the CFHS does not recommend the use of specific temperatures to address extreme temperatures but that guidance be outcome based on the individual needs of the animal and the care provided.

The CFHS also recommends the CVMA Codes of Practice for Canadian Kennel Operations as a guideline in determining standards of care for kenneled dogs. The Codes of Practice guidelines include all aspects of companion dog husbandry as defined by the CVMA and American Veterinary Medical Association.

On the issue of tethering, the CFHS does not condemn the practice but supports having regulations that will address the safety and well-being of a companion animal. The CFHS also recommends allowing the animal time spent untethered.

The CFHS also recommends that municipalities include guidelines for the safe transport of pets. They support companion animals being transported inside the passenger compartments of motor vehicles and are opposed to having animals loose in the back of open trucks unless measures are taken to keep the animal safe from harm or injury.

OSPCA:

Staff consulted with Ms. Connie Mallory, Chief Inspector and with Mr. Scott Sylvia, Senior Inspector with the OSPCA.

Regarding extreme weather, the OSPCA cautions against using specific temperatures or environmental factors as a guideline for enforcement. The OSPCA strongly recommends that standards of care issues be investigated on a case by case basis due to the many variables involved in order to determine the best possible outcome for that particular animal.

The OSPCA supports enhanced standards of care inclusions related to dog housing and enclosure guidelines in the Animal Care and Control By-law 98-04, as amended, as these provisions could complement the OSPCA regulations to provide higher standards of care for animals

and dogs in Mississauga. The OSPCA has published dog house guidelines, which will be helpful in preparing an amendment to the Animal Care and Control By-law 0098-04, as amended.

The OSPCA has also provided training to Animal Services staff and is willing to work with City staff to further enhance their skills in the investigation of animal standards of care issues.

The OSPCA recognizes that some situations may require a dog to be tethered for public safety and/or the safety of the dog. The OSPCA supports tethering regulations that address safety, health and the welfare of the animal.

The OSPCA agrees that unattended dogs in motor vehicles, particularly during the summer months, has become a serious issue as situations may require immediate intervention to save the life of an animal. The OSPCA does not have the resources to attend to the numerous complaints in the Region of Peel and subsequently depends on the availability of municipal staff and Peel Regional Police. The OSPCA would definitely support regulations pertaining to the leaving of pets unattended in vehicles where harm or injury may occur.

Recommendations from the CKC:

The CKC deferred all issues related to standards of care to the animal welfare and veterinary experts. However, the CKC fully supports and encourages the adoption of reasonable, enforceable and non-discriminatory laws governing the ownership of dogs.

The CKC condemns cruelty in any manner or form regarding the treatment of canines and believes that the decisions on whether an event is in fact cruelty should rest with the courts.

The CKC would like dog owners to understand the difference between animal welfare and animal rights groups. Animal welfare concerns the care and well-being of animals whereas animal rights groups may have extreme views and seek to eliminate companion animal ownership.

Recommendations from the AKC:

The AKC defers to the animal welfare and veterinary experts on issues of standards of care. However, they believe that dog owners bear a special responsibility to their canine companions to provide proper care and humane treatment at all times.

The AKC believes that protection from extreme weather must be provided and support high levels of standards of care for shelter, food, water, play, exercise, medical care, disease prevention and suggest that daily human contact is also an important component of care.

The AKC understands that tethering may be necessary under certain circumstances. However, they support regulations that protect the health and safety of the animal. The AKC also discourages the practice of leaving a dog in a vehicle during the summer months unless the dog is supervised. The AKC also opposes the transporting of dogs in open vehicles.

Attached as Appendix 1 are the accreditations and backgrounds of the animal health and welfare experts and associations that were consulted.

Regulatory Approaches and Enforcement Practices of Canadian Municipalities regarding Standards of Care:

In summary, none of the Canadian municipalities researched prohibit animals from being housed outdoors. This practice is permitted providing the animal has adequate shelter and care.

Some Canadian municipalities (Ottawa, Whitehorse and Thunder Bay) do have standards of care inclusions in their by-laws; however, none directly relate to extreme weather and pets. For those municipalities that have standards of care regulations in their by-laws, municipal enforcement officers will investigate standards of care cases as they apply to their by-law regulations. If there is an infraction, municipal enforcement officers can issue a monetary fine but they cannot remove the animal from the premises.

If the by-law provisions do not address the issue or the animal remains in distress due to inadequate housing or extreme weather, these

situations are then referred to the authority responsible for enforcing the provincial animal protection laws.

Only six of the municipalities had by-law regulations related to the tethering of dogs (Calgary, Edmonton, Whitehorse, Thunder Bay, Ottawa and Quebec City). Of those six municipalities, two (Edmonton and Quebec City) referred to the tethering of restricted or dangerous dogs (dogs that are deemed dangerous due to a court conviction) and none of the municipalities specified a minimum or maximum time limit for animals tethered. The City of Calgary's by-law is the most restrictive in that the regulation will only permit the tethering of a dog while supervised, whether tethered on public or private property.

Regarding pet housing and build qualities, most municipal by-law regulations were very general and most by-laws mirrored the provincial legislation. Six municipalities (Calgary, Edmonton, Whitehorse, Regina, Winnipeg and Quebec City) had regulations pertaining to enclosure or pen size. However, five (Calgary, Edmonton, Regina, Winnipeg and Quebec City) of these only applied to restricted or dangerous dogs (dogs that are deemed dangerous due to a court conviction).

Three municipalities (Calgary, Whitehorse and Quebec City) had by-law regulations addressing the transportation of animals in a vehicle, with the most comprehensive being the City of Calgary. In Calgary, animals must be contained inside the passenger cab regardless of whether the vehicle is parked or moving. Calgary's by-law also states that, "no owner shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal". All other municipalities rely on the provincial animal protection laws to investigate and enforce distress situations relating to animals being left inside a vehicle.

Additional Municipal By-law Research from Ontario:

With the assistance of the Association of Animal Shelter Administrators of Ontario (AASAO), staff polled the AASAO membership for additional municipal by-law research related to outdoor dogs and extreme weather.

A total of 13 responses were received from seven municipalities, five humane societies and one private contractor. The municipalities included: Brampton, Markham, Oakville, Thunder Bay (covered in the research) Windsor, London and Kitchener/Waterloo, with the remaining respondents from rural territories or townships.

Of the 13 respondents, all reported that their municipality does not have any by-law provisions related to extreme weather and outdoor dogs. Comments received indicated that those municipalities with standards of care inclusions in their by-laws would address complaints through the by-law related to dog housing standards and/or general animal care standards. All municipalities reported that if their by-law provisions could not address the standards of care situation or if the municipality did not have by-law provisions relating to standards of care, they would report or refer complaints to the local humane society or OSPCA.

Provincial Legislation of Animal Care and Enforcement Processes:

Provincial animal protection legislation is very similar throughout Canada and generally enforced by the humane society, society for the prevention of cruelty to animals or police. Animal welfare authorities have police powers under Ontario legislation and can remove or seize animals that are in immediate distress and/or a life threatening situation.

Most provinces have standards of care regulations included in the provincial legislation; however, most regulations are broad. Ontario's regulations were among the most detailed. This may change as the province of Nova Scotia is working to amend their animal protection laws. Provincial enforcement authorities agree that the generality of the provincial regulations allows enforcement authorities to exercise more discretion so they are better able to make decisions about what is best for each animal on a case by case basis. Animal cruelty charges may be enforced under both provincial and federal legislation (*Criminal Code of Canada*).

Attached to this report as Appendix 2 are highlights from the Canadian municipal and provincial legislative research pertaining to standards of care for companion animals.

Attached to this report as Appendix 3 are the standards of care regulations from the Ontario *OSPCA Act*, as well as sections 445 and 446 of the *Criminal Code of Canada* relating to cruelty to animals.

Research Analysis from the United States:

In summary, the research from 26 municipalities and two states, indicates that the U.S.A. has stricter companion animal regulations in some areas, particularly related to tethering and extreme weather but not one jurisdiction or state prohibited a companion animal from being kept outdoors. The majority of jurisdictions did not provide provisions for the length of time an animal can be left outside but did include provisions for shelter, protection from the elements, protection from direct sunlight and many ordinances stipulate the animal must have access to shade in summer months.

Some municipalities, particularly in the southern states (Pembroke Park, Florida; Tallahassee, Florida; Taos, New Mexico; and, New Orleans, Louisiana), include provisions to bring animals inside if the temperature would affect the health and well-being of the animal.

Housing and pen size regulations were often broad, providing general build quality descriptors relating to safety, quality and comfort. Pen sizing was generally based on the size of the dog and the number of dogs in the enclosure. A common minimum enclosure size was 9.2 square metres (100 square feet) per dog.

Many jurisdictions have restrictions related to tethering for safety and during extreme weather events such as hurricanes, tornadoes, flooding or extreme temperatures. There are also municipalities that ban the practice of tethering (Maumelle, Arkansas) and those (Topeka, Kansas; St. Paul, Minnesota; Collier County, Florida; Pembroke Park, Florida; Grand Prairie, Texas; and, Chagrin Falls, Ohio) that regulate the time frame in which the animal can be tethered based on the time of day or number of hours the animal is on a tether.

Many U.S.A. jurisdictions do not allow animals to ride in an open vehicle. Many do not allow dogs to be left in vehicles unattended, particularly in the southern states. In Topeka Kansas it is allowed to leave a pet unattended in a vehicle for no longer than five minutes. In Maumelle, Arkansas, if the temperature is above 80 degrees Fahrenheit

(26.67 degrees Celsius), you are prohibited from leaving an animal in a vehicle.

Attached as Appendix 4 are highlights from the U.S.A. legislative research pertaining to standards of care for companion animals.

Other Issues Raised in the Petition and Letters submitted to the Mayor, Members of Council and City staff:

In addition to the issues raised at Council on January 22, 2014, staff also identified five additional items in the subsequent correspondence received by the Mayor, Members of Council and staff. The items identified include: mandatory/large scale spay and neuter programs, banning the sale of pets from pet stores, banning the use of pens and crates, providing animals with protection from abuse and increasing the fines for offenders.

As these items do not relate directly to the standards of care identified in this report, they have been addressed separately below:

Spay and Neutering:

Issues regarding low-cost or accessible spaying/neutering are governed by the *Ontario Veterinary Act*. The City promotes and encourages responsible pet ownership and the voluntary spaying and neutering of pets through incentives such as discounted pet licensing fees for those who have spayed or neutered their pets. Spay and neuter continues to be part of the key messaging included in Animal Services educational outreach programs and Animal Services spays and neuters all age-appropriate pets before they are adopted by the public.

Banning the Sale of Pets in Pet Stores:

Council approved amendments to the Business Licensing By-law 1-06, as amended, to regulate the sale of pets in pet stores on July 4, 2012 (GC-0477-2012). Pet stores selling more than 10 pets per year are required to obtain live animals from municipal animal shelters, registered humane societies, registered shelters or rescue groups.

Improve or Ban the Use of Pens and Crates:

The item related to the use of pens has been addressed in this report under standards of care. Regarding the use of crates, veterinary and behavioural companion animal experts encourage the use of crates as a safe place for dogs to rest, sleep and travel, and as a house training tool. If the use or misuse of a crate causes an animal distress, this would be considered abuse and should be reported to animal welfare authorities for investigation. Enforcement on this issue may be challenging since most crate training or crate use occurs inside a dwelling unit.

Protecting Abused Animals:

Animal protection law, including cruelty and animal abuse, is covered in Ontario by the *Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA Act)* and federally under *the Criminal Code of Canada*. In Mississauga, the Animal Care and Control By-law 0098-04, as amended, includes provisions for the humane treatment of animals which carries a fine of \$305 plus victim services fees. Animal Services officers work very closely with the OSPCA to investigate standards of care cases and animals left unattended in vehicles. This enforcement partnership affords the OSPCA additional resources to ensure the prompt investigation of reported cases of abuse, cruelty or neglect in Mississauga.

Increased Fines for Offences:

Fines, fees and charges are reviewed each year as part of the business planning and budget process, including a benchmarking exercise conducted with other comparable municipalities. The fines, fees and charges are increased where it is appropriate to offset costs and/or facilitate compliance.

Recommendations for Amendments to the Animal Care and Control By-law 0098-04, as amended:

It is recommended that the City take a fair and balanced approach to setting by-law regulations that are effective and enforceable. The proposed amendments to the standards of care section of the Animal Care and Control By-law 0098-04, as amended, are designed to

augment but not replicate or supersede the *OSPCA Act*.

It should be noted that as of 2012, the OSPCA routinely refers animal standards of care incidents to municipalities with standards of care regulations in their municipal by-laws. In Mississauga, Animal Services officers routinely conduct preliminary standards of care investigations with the understanding that if the by-law regulations cannot address the situation, or the animal is in distress, the municipality must refer the case to the OSPCA or to Peel Regional Police so that they may take the necessary and appropriate action under the authority of the *OSPCA Act*, including the removal of an animal.

Staff recommendations related to the proposed amendments to the Animal Care and Control By-law 0098-04, as amended, to regulate the standards of care and improve animal welfare are as follows:

Extreme Weather: It is not recommended that the City adopt standards of care regulations relating to animals and extreme weather. The *OSPCA Act* exists to address situations that involve distressed animals and extreme weather and authorizes the removal of distressed animals by an OSPCA inspector or police officer.

It is recommended by both animal welfare and the veterinary community that reports of distressed animals during extreme weather events should be investigated on a case by case basis and should consider more than weather conditions as there are many factors involved such as type of animal, breed of dog, age and health of animal, length of coat, and suitability of shelter, in order to determine the best possible response for the animal.

In order to properly respond to this issue, Animal Services officers will continue their practice of engaging the OSPCA and Peel Regional Police in these circumstances because OSPCA inspectors and Peel Regional Police officers have the authority to, as per Section 14 of the *OSPCA Act*, remove an animal in distress including circumstances involving extreme weather.

Furthermore, if the animal was not in distress and had suitable shelter, the OSPCA inspector and/or Peel Regional Police officer would not remove the animal, nor would the OSPCA and/or Peel Regional Police

be able to support the City's actions related to the issuance of a fine for the by-law infraction. Animal Services officers do not have the authority to remove the animal.

Tethering of Animals: Tethering of animals and dogs is not a preferred method of restraint. It is reasonable however to assume that tethering may be necessary in some circumstances. Regulating the number of hours an animal is tethered is difficult to enforce and it is therefore recommended that the by-law include tethering regulations to address safety with requirements for supervision, access to shade and prohibited equipment as follows:

No person shall tether a dog unless the person is outside with the dog at all times or the dog is in plain view. A tether must be at least three metres (9.84 feet) in length and cannot be attached to a choke chain or prong collar. The tether must also allow the dog to move safely and unrestricted, allowing appropriate food, water, shelter and shade.

Animal Enclosures, Dog House: The Animal Care and Control By-law 0098-04, as amended, currently addresses protection from the elements, size of dog housing, ventilation, safety, comfort, access to food, water, shelter and sanitary conditions. It is recommended that the by-law include requirements for bedding, additional build qualities, and access to shade which will better address extreme weather in both summer and winter months as follows:

A dog house must have adequate insulation in the floor, walls and ceiling; a suitable door flap in the winter months; clean, dry bedding material; and, the dog must have access to shade, other than a shelter.

Animal Enclosures, Dog Pen: Since tethering restrictions have been introduced into the by-law regulations, it may be necessary for pet owners to provide an enclosure to safely and humanely confine a pet. Subsequently, it is recommended that dog pen enclosures be regulated with requirements for size, safety, comfort and sanitary conditions as follows:

In addition to having access to shelter, water and shade, any pen used for a dog outdoors shall be at least 9.3 square metres (100 square feet) in size to be increased by 2.8 square metres (30 square feet) for each additional dog. The height shall be one metre (3.3 feet) higher than the

largest animal in a standing position. The pen must be in a good state of repair with a clean dry, place to lie down; be maintained in a sanitary condition; and, comply with the applicable City zoning regulations.

Animals in Vehicles: Pets left unattended in motor vehicles during extreme weather is a very common issue, particularly during the summer months. Again, the OSPCA relies on municipal staff to respond to these complaints. As a result, it is recommended that by-law regulations address safety issues for animals in motor vehicles whether parked or during transport as follows:

No person shall leave an animal unattended in a motor vehicle unless the animal is restrained in such a manner that prevents contact between the Animal and any member of the public; the animal has suitable ventilation and the owner of an animal shall not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal.

No person shall transport a companion animal outside the passenger compartment of any motor vehicle unless the animal is contained in a kennel or similar device that provides adequate ventilation, adequate space, protects the animal from the elements and is securely fastened in such a manner to prevent distress or injury to the animal.

Right of Inspection: Animal Services officers routinely conduct preliminary standards of care investigations. This requires the inspection of a back or side yard of a property to determine whether the pet owner is in compliance with the by-law or the animal is in distress. Therefore, it is recommended that Animal Services officers be given a right of inspection for standards of care complaints as follows:

An Animal Services officer may at any reasonable time enter upon and inspect the land of any person to ensure that the provisions of the Animal Care and Control By-law 0098-04, as amended, are complied with.

Animal Services officers presently do not have this authority under the by-law.

Veterinary and Medical Care for Animals: Some standards of care cases have a component related to animal injury or illness. As a result, it is recommended that the by-law be amended as follows:

Every owner of an animal shall provide the veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

Public Awareness about Animal Standards of Care Issues:

Information outreach by the City of Mississauga is an effective tool in raising public awareness and improving compliance with municipal by-laws. As a result, staff recommend that information outreach, using existing communication channels, continue to be used to raise public awareness and improving compliance with the Animal Care and Control By-law 0098-04, as amended, and be updated to inform pet owners about responsible pet care related to tethering, standards of care, extreme weather, pets in vehicles and barking dogs.

Animal Services Processes and Procedures:

As a result of the information gathered in the preparation of this report, Animal Services staff are reviewing their processes and procedures related to animal standards of care to ensure that Animal Services continues to follow best practices in this area.

Support for the Recommendations:

Attached as Appendix 5 is a letter from Mr. Warren Skippon, DVM, Manager, Animal Welfare and National Issues Committee, CVMA, dated May 29, 2014 indicating the CVMA's support in principle for the recommendations in this report related to animal standards of care and the related proposed amendments to the Animal Care and Control By-law 0098-04, as amended.

Attached as Appendix 6 is a letter from Ms. Connie Mallory, Chief Inspector, OSPCA, dated June 2, 2014 supporting the recommendations for the amendments to the Animal Care and Control By-law 0098-04, as amended, which are outlined in this report.

FINANCIAL IMPACT: The recommended changes to the Animal Care and Control By-law 0098-04, as amended, should have no significant financial impact on Animal Services as Animal Services officers currently respond to standards of care complaints in accordance with the existing standards of care provisions in the Animal Care and Control By-law 0098-04, as amended.

CONCLUSION: Staff have reviewed the standards of care provisions in the Animal Care and Control By-law 0098-04, as amended, consulted with various animal health and welfare authorities and conducted research in both Canada and the U.S. A. related to the standards of care for dogs and companion animals.

Staff recommend that the standards of care provisions in the Animal Care and Control By-law 0098-04, as amended, be amended to incorporate higher standards of care for companion animal housing, enclosures, tethering, pets in vehicles, and pet care to promote and preserve the safety, health and well-being of companion animals and the safety of the public.

It is also recommended that the Animal Care and Control By-law 0098-04, as amended, be revised to authorize Animal Services officers to inspect any property to ensure compliance with the by-law and allow a municipal officer to investigate any animal that may be in distress.

In addition, it is recommended that information outreach, using existing communication channels, continue to be used by staff to raise public awareness and to improve compliance with the Animal Care and Control By-law 0098-04, as amended, and be updated to inform pet owners about responsible pet care related to tethering, standards of care, extreme weather, pets in vehicles and barking dogs.

ATTACHMENTS: Appendix 1: Accreditations and Backgrounds of Experts and Associations.

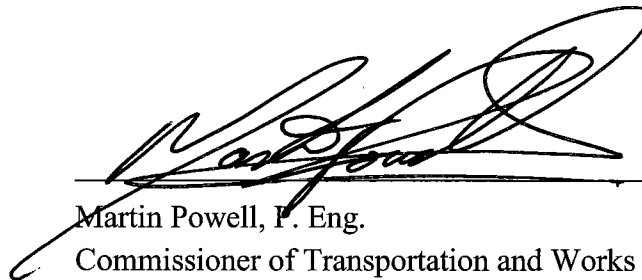
Appendix 2: Highlights of Canadian Municipal Research Relating to Standards of Care for Companion Animals.

Appendix 3: *OSPCA Act Regulations and Criminal Code of Canada.*

Appendix 4: U.S.A. Research Relating to Standards of Care for Companion Animals.

Appendix 5: Letter from Mr. Warren Skippon, DVM, Manager, Animal Welfare and National Issues Committee, CVMA, dated May 29, 2014.

Appendix 6: Letter from Ms. Connie Mallory, Chief Inspector OSPCA, dated June 2, 2014.



Martin Powell, P. Eng.

Commissioner of Transportation and Works

Prepared By: Linda Dent, Public Education Officer, Animal Services

Accreditations and Backgrounds of Experts and Associations

Canadian Veterinary Medical Association:

The Canadian Veterinary Medical Association (CVMA) is the national voice for the veterinary profession dedicated to serving and representing the veterinarians of Canada. The CVMA is committed to excellence within the profession and to the well-being of animals. It promotes public awareness of the contribution of animals and veterinarians to society.

The CVMA's Animal Welfare Committee (AWC) is a group within the CVMA. The purpose of the AWC is to advocate and promote animal welfare within the animal industry to government and the public, to advise the CVMA on animal welfare issues and to develop pertinent position statements.

The AWC comprises veterinarians from various sectors of veterinary medicine. Five members are active companion animal practitioners, two members are with the Ontario Veterinary College and Atlantic Veterinary College and two members are involved in provincial animal welfare and enforcement. The AWC was involved with British Columbia's sled dog standards and more recently the AWC also played an active role in the review and recent amendments to Nova Scotia's *Animal Protection Act*.

Canadian Federation of Humane Societies:

The Canadian Federation of Humane Societies (CFHS) is a national body comprising animal welfare organizations and individuals whose purpose is to promote compassion and humane treatment of all animals.

Founded in 1957, the CFHS has earned a reputation and enviable credibility as the expert national voice on animal welfare issues for industry, media, government, non-governmental organizations and the public. The CFHS works collaboratively and cooperatively with key stakeholders to have a greater impact creating positive change by being a part of the process instead of being apart from it.

In 1999, the CFHS headed up the National Companion Animal Coalition, which comprised the CFHS, CVMA and Pet Industry Joint Advisory Council. This Coalition developed a position paper entitled "An Enlightened Approach to Companion Animal Control" for Canadian municipalities. This paper was developed as a guideline to assist municipalities in defining and implementing effective and efficient by-laws. Although the document was created in 1999, the CFHS stands by the recommendations in 2014. The document speaks to a variety of by-law

issues including animal control, pet licensing, neutering, number of pets permitted, responsible pet ownership and dangerous dogs, nuisance situations, pet stores and more. The document also includes a sample of municipal by-laws regulating the keeping and controlling of animals which addresses standards of care issues relating to animal welfare.

Ontario Society for the Prevention of Cruelty to Animals:

Through its province-wide network of 50 plus communities, the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) is one of the largest, most responsive animal welfare organizations in the country, providing care and shelter for tens of thousands of animals every year. The OSPCA is unique amongst animal welfare organizations in Ontario: the *Ontario SPCA Act* mandates the OSPCA to enforce animal cruelty laws and provides Society Branch and Affiliate investigators with police powers to do so.

The OSPCA's mission is to facilitate and provide for province-wide leadership on matters relating to the prevention of cruelty to animals and the promotion of animal welfare. The OSPCA is seen as the recognized authority on animal welfare issues and making a measurable difference for animals. The OSPCA is an integral part of each community, promoting mutually beneficial human-animal interactions, and is viewed as a desirable organization for volunteerism and support.

The OSPCA programs include: cruelty investigations, sheltering and adoptions, government and industry advocacy, humane education, reducing pet overpopulation, emergency rescue and treatment, and reuniting pets with their owners.

Canadian Kennel Club:

The Canadian Kennel Club (CKC) is a national member based non-profit organization and is the primary registry body for purebred dogs in Canada which currently recognizes 175 breeds.

The CKC is dedicated to encouraging, guiding and advancing the interests of purebred dogs and their responsible owners and breeders in Canada and promoting the knowledge and understanding of the benefits which dogs can bring to society.

American Kennel Club

The American Kennel Club's (AKC) values promote responsible pet ownership and maintenance of dogs and is the American equivalent of the CKC.

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APPENDIX 1

Association of Animal Shelter Administrators of Ontario:

The Association of Animal Shelter Administrators of Ontario (AASAO) is a non-profit organization that was established in 1981. AASAO members include professional administrators and supervisors employed by agencies and institutions involved in animal care and control. The AASAO is dedicated to the promotion of a professional approach to the management of humane societies, as well as contracted and governmental animal care and control agencies.

Highlights of Canadian Municipal Research Relating to Standards of Care for Companion Animals

Extreme Weather:

If there is an infraction as per the by-law regulation, municipal enforcement officers can charge the pet owner/issue a fine but they cannot remove the animal from the situation. Listed below are the exceptions.

- Edmonton: municipal enforcement officers have authority as “peace officers” as identified in *Alberta’s Animal Protection Act*. Municipal officers may issue a fine under the by-law or seize an animal if in distress under the authority of the provincial legislation.
- Calgary’s operational procedures will allow a municipal enforcement officer to remove a dog or animal that is out in severe cold and “in distress” if the owner cannot be found. The dog would be impounded at no charge for a “safe keep” overnight or until the owner can be found.
- Ottawa: the Ottawa Humane Society is contracted by the municipality to enforce the municipal by-laws; however, as they are an affiliate of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) they may also enforce the Provincial *OSPCA Act* and seize animals in distress during extreme weather events.

Tethering:

- Calgary will only permit the tethering of a dog while supervised, whether tethered on public or private property. In the City of Calgary if a dog is found tethered the owner may be issued a fine ranging from \$50 to \$100.
- Edmonton allows restricted dogs to be tethered. Restricted refers to dogs that have been deemed dangerous due to a court conviction. Edmonton will enforce non-compliance of tethering as it relates to the restricted dog provisions in their by-law.
- Whitehorse allows tethering but prohibits leaving a tethered animal unattended where a choke chain, pinch collar or rope around the animal’s neck formed part of the securing apparatus.
- Thunder Bay specifies that a tether must be at least three metres (10 feet) in length.

- Ottawa prohibits the use of a choke collar device as part of a tether and indicates the tether length should be suitable for the species, allowing the animal unrestricted movement so as not to cause injury to it. In addition, the tether is to be a minimum of three metres (10 feet) in length while not allowing the animal to trespass on neighbouring property.
- Quebec City requires a dangerous dog (dangerous refers to dogs that have been deemed dangerous due to a court conviction) to be tethered on land that is not a pen to be attached to a post by chain, wire rope or synthetic fibre and kept more than two metres (seven feet) away from a common area or driveway or lot line that is not separated by a fence.

Pet Housing Construction:

Most standards of care regulations pertaining to the construction of pet housing and build qualities were very general.

A compilation of by-law descriptors for pet housing from all nine municipalities are as follows:

- structurally sound; weatherproof; insulated; off-the-ground flooring; protection from the elements; adequate light; adequate ventilation; kept in a sanitary condition; will provide protection from heat, cold, wet conditions; appropriate to the animal's weight and coat type; and, allow the animal to extend legs to full extent, turn around, stand, sit and lie down in a fully extended position.
- Whitehorse: "House or shelter that has sufficient space to allow the animal the ability to turn around freely and lie in a normal position."
- Thunder Bay: "The enclosure must enable the animal to extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position."

Pen/Enclosure Size:

- Edmonton: No pen measurements in the by-law. Their Animal Services Manager advises that the pen size must be large enough for the animal to roam and have a place for a shelter.
- Calgary: 1.5 metres (five feet) in length by three metres (10 feet) in width by 1.5 metres (five feet) in height and, not within one metre (3.3 feet) from a property line or five metres (16 feet) of a dwelling unit.

APPENDIX 2

- Winnipeg: Three metres (10 feet) by five feet (1.5 metres)
- Regina: Defined as a "dog run" rather than enclosure and it must be three times the length of the animal in all directions, five metres (16 feet) from a dwelling unit and cannot utilize a shared fence line as part of the enclosure. Regina can issue orders to alter, demolish or re-locate a dog run.
- Quebec: four square metres (43 square feet) by two metres (seven feet) in height.
- Whitehorse: two times the length of the animal in all directions.

Companion Animals in Vehicles:

- Whitehorse: Animal must be contained inside the passenger compartment of a vehicle or secured with a harness when outside the passenger compartment to prevent the dog from falling, jumping or injuring itself.
- Quebec City: Only regulates guards that carry dogs in road vehicles. They must ensure the dog cannot escape or bite someone near the vehicle. In an open vehicle the dog must be contained within a box, cage or be tethered so that all parts of the dog remain in the vehicle at all times.
- Calgary: Animals must be contained inside the passenger cab regardless of whether the vehicle is parked or moving. Animals may ride outside the passenger compartment if they are in a fully enclosed trailer, topper or ventilated kennel or similar device that is securely attached to the bed of the truck. They may also tether an animal but it may not stand on bare metal, jump or be thrown, be in danger of strangulation and cannot reach beyond the outside of the vehicle. Fines range from \$50 to \$100.

Calgary's by-law regulations include a provision that states "no owner shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal."

When temperatures exceed 15 degrees Celsius (59 degrees Fahrenheit) the Calgary Humane Society will respond to complaints in an educational capacity at 20 degrees Celsius (80 degrees Fahrenheit) they will seize/remove animals from cars.

Highlights of Canadian Provincial Research
Relating to Standards of Care for Companion Animals

Province of Ontario:

The Ontario Society for the Prevention of Cruelty to Animals Act or the *OSPCA Act* is the provincial legislation which regulates humane treatment and the standards of care for animals in Ontario. Only OSPCA agents and inspectors, appointed by the Ontario SPCA, and police are authorized to enforce the *OSPCA Act*. OSPCA agents and inspectors have the powers of a police officer under the *OSPCA Act*.

- The *OSPCA Act* states that no person shall cause or permit an animal to be in distress.
- Distress as defined in the *OSPCA Act* means the state of being in need of 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.

The OSPCA Act is silent on specific temperatures; however, it does state that every animal must be provided with protection from the elements and harmful temperatures. This allows OSPCA agents and inspectors to exercise discretion on a case by case basis when making decisions about what is best for each animal.

OSPCA Act Regulations - Standards of Care:

The *OSPCA Act Ontario Regulation 60/90 Standards of Care* have been paraphrased and subcategorized below:

- All animals must be provided with adequate food, water and shelter, medical attention and the care necessary for general welfare.
- Every animal must be provided with protection from the elements and harmful temperatures.
- A chain, rope or similar restraining device is allowed providing it is at least three metres (10 feet) in length, allows for unrestricted and safe movement and allows access to appropriate water and shelter.

- Shelters must be structurally sound, weather proofed and insulated, appropriate design and size for the dog and available for use at all times.
- Shelter materials must be in a good state of repair, safe, non-toxic and of a texture or design that will not injure the animal.
- Enclosures must provide space to move around naturally and to exercise; enclosures must have sanitary conditions, ventilation, light and an appropriate resting and sleeping area; and, enclosures cannot contain other animals that may harm or pose a danger to the animal.
- Every animal must be transported in a manner that ensures its physical safety and welfare.

Penalties under the *OSPCA Act*:

- Fines range from \$1,000 to \$60,000 and/or imprisonment.
- Imprisonment ranges from 30 days to two years.
- A ban from pet ownership up to a lifetime.

Province of Alberta:

The *Alberta Animal Protection Act (AAPA)* is the provincial legislation which regulates humane treatment and the standards of care for animals in Alberta and does not go into as much detail on standards of care as the *OSPCA Act*.

Distress as defined by the *AAPA* includes an animal that is deprived of adequate shelter, ventilation, space, food, water, veterinary care or reasonable protection from injurious heat, cold, injured, sick, in pain or suffering or abused or subjected to undue hardship, privation or neglect.

The *AAPA* is silent on specific temperatures; however, it does state that owners must provide the animal with reasonable protection from injurious heat or cold.

Alberta's Animal Protection Act Regulations (AAPA) - Standards of Care:

The *AAPA* regulations pertaining to standards of care have been paraphrased and subcategorized as they relate to the issues in this report and are as follows:

- All animals must be provided with adequate food, water and shelter, medical attention if wounded or ill.
- All animals must be provided reasonable protection from injurious heat or cold.
- All animals must be provided with adequate shelter, ventilation and space.

Province of Manitoba:

The *Manitoba Animal Care Act (MACA)* is the provincial legislation which regulates humane treatment and the standards of care for animals in Manitoba.

The *MACA* defines distress as follows: if an animal is subjected to conditions that, unless immediately alleviated, will cause the animal death or serious harm.

The *MACA* is silent on specific temperatures; however, it does state that a person who has ownership or possession of an animal shall provide the animal reasonable protection from the heat or cold.

Manitoba's *Animal Care Act Regulations (MACA)* - Standards of Care:

Manitoba's *MACA* regulations have been paraphrased and subcategorized as noted below:

- A person shall not be convicted of an offence for treating an animal in such a manner providing they are treating an animal by the recommended codes of practice and standards.
- A person who has ownership or possession of an animal shall provide the animal reasonable protection from the heat or cold.
- Tethering is covered under the adequate space section of the *MACA*. Tethers must permit an animal normal movement and be appropriate for the age and size of the animal. The weight of the chain or tether cannot exceed more than 1/15th of the dog's weight. It must be of a flexible material without significant memory (cannot kink). The tether must measure three times the length of the animal from tip of nose to tip of tail, unless it is a leash or a running line. The tether must be properly attached to a collar that is not pinch or prong type. The collar and tether must protect the animal from injury and prevent it from becoming entangled or strangled. Unless freedom of movement would endanger the animal, it is permitted to tether temporarily to groom, camp, complete a task or if the dog

is an active sled dog.

- Additional tethering recommendations include: dogs not be tethered unless they have access to an insulated dog house. The tether should not allow the dog to stand two body lengths from a road, bicycle path or sidewalk. A dog should not be tethered in the event of severe weather. Tethers should include swivel or rotation points. Dogs less than six months should not be tethered nor should a dog that is in season or about to give birth. Dogs should not be tethered where wild animals may attack them.
- A person shall not confine an animal to an enclosure or area with inadequate space, unsanitary conditions, inadequate light or ventilation.

Transport:

- No person shall load or transport an animal if by reason of infirmity, fatigue or any other cause the animal is unable to stand or would suffer during transport unless transporting to veterinarian.
- Every animal must be transported in a manner that ensures its physical safety and welfare.

Province of Saskatchewan:

Saskatchewan's Animal Protection Act (SAPA) is the provincial legislation which regulates humane treatment and the standards of care for animals in Saskatchewan. The *SAPA* states that an animal is in distress if it is deprived of adequate, food, water, care or shelter, injured, sick or suffering, abused or neglected.

The *SAPA* is silent on specific temperatures; it simply states that an animal must have adequate shelter and care.

Yukon Territories:

The Yukon Territories Animal Protection Act (YTAPA) is the provincial legislation which regulates humane treatment and the standards of care for animals in the province.

The *YTAPA* states that no person shall cause or permit an animal to be in distress. The *YTAPA* defines distress as the state of being in need of 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.

Province of Nova Scotia:Nova Scotia Animal Protection Act (Proposed Regulations) - Standards of Care:

- Quality and quantity of food, water, cleanliness of receptacles, preventing spillage, veterinary care and, grooming.
- Considerations for morphology, coat, age, and health, adaptation level to heat or cold adequately protected from weather conditions. Shelter appropriate to their needs, removal of excreta on a daily basis.
- Ability to require higher standards of shelter based on the breed or age or health of the animal.
- Shelter must be maintained to be safe, weatherproof, waterproof, insulated, protect animal from sun, sufficiently ventilated, prevents accumulation of moisture and odours, adequate for the size of the animal with ceiling height five centimetres (two inches) greater than the height of the dog in a sitting position and bedding that is clean, dry and sufficient to insulate from cold weather conditions.
- Enclosure prevents injury or distress, not less than nine square metres (97 square feet) to be increased by one square metre (10.8 square feet) for every additional animal, the height shall be one metre (3.3 feet) higher than the largest animal in a standing position, in a good state of repair with a clean dry place to lie down. Must contain a shelter if the animal is outdoors in pen for 12 hours or more.
- A tethered dog shall be left no longer than 12 consecutive hours with a mandatory break from tethering seven consecutive hours in a 24 hour period and must have access to a shelter. If the dog is unsupervised it must be able to reach food and water, move in an unrestricted manner, not be able to get entangled, stuck or wrapped around an object, not cause discomfort because of the weight of the tether. The tether must be a minimum of five metres (16 feet) or at least five times the length of the animal or whichever is greater. The animal's collar or restraining device must not hamper the animal's breathing or cause injury or pain.
- Animal to be transported in passenger compartment of a motor vehicle. An animal must not be transported in the trunk. The animal must be confined or secured in a container in a manner to prevent the animal from falling off the vehicle or otherwise injuring itself if transported outside of the passenger compartment. The container must be constructed so the animal cannot escape; durable and in good repair; large enough for the animal to turn

APPENDIX 2

around; sit and lie down in a natural position; and secured to the vehicle.

- In a vehicle that is stopped or parked, an animal in the passenger section of the vehicle must not be left in conditions that cause the animal distress; for extended periods of time; facing extreme hot or cold; and/or, without food, water, blankets etc. to keep the animal comfortable.
- No person shall offer an animal for sale without a certificate of health from a veterinarian.

OSPCA Act Regulations and Criminal Code of Canada

Ontario Society for the Prevention of Cruelty to Animals Act

ONTARIO REGULATION 60/09

STANDARDS OF CARE

Application

1. (1) The basic standards of care applicable to all animals are set out in section 2.
O. Reg. 60/09, s. 1 (1).

(2) In addition to the basic standards of care applicable to all animals set out in section 2,

(a) standards of care specific to dogs that live primarily outdoors are set out in section 3;
and

(b) standards of care specific to wildlife kept in captivity are set out in sections 4 and 5.
O. Reg. 60/09, s. 1 (2).

(3) In addition to the basic standards of care applicable to all animals set out in section 2 and the standards of care specific to wildlife kept in captivity set out in sections 4 and 5, the standards of care specific to primates kept in captivity are set out in section 6. O. Reg. 60/09, s. 1 (3).

(4) A requirement that a standard of care be adequate and appropriate or necessary is a requirement that the standard of care be adequate and appropriate or necessary to the specific animal, having regard to its species, breed and other relevant factors. O. Reg. 60/09, s. 1 (4).

Basic standards of care for all animals

2. (1) Every animal must be provided with adequate and appropriate food and water.
O. Reg. 60/09, s. 2 (1).

(2) Every animal must be provided with adequate and appropriate medical attention.
O. Reg. 60/09, s. 2 (2).

(3) Every animal must be provided with the care necessary for its general welfare. O. Reg. 60/09, s. 2 (3).

(4) Every animal must be transported in a manner that ensures its physical safety and general welfare. O. Reg. 60/09, s. 2 (4).

(5) Every animal must be provided with an adequate and appropriate resting and sleeping area. O. Reg. 60/09, s. 2 (5).

(6) Every animal must be provided with adequate and appropriate,

(a) space to enable the animal to move naturally and to exercise;

(b) sanitary conditions;

- (c) ventilation;
 - (d) light, and;
 - (e) protection from the elements, including harmful temperatures. O. Reg. 60/09, s. 2 (6).
- (7)** If an animal is confined to a pen or other enclosed structure or area,
- (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;
 - (b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are,
 - (i) safe and non-toxic for the animal, and
 - (ii) of a texture and design that will not bruise, cut or otherwise injure the animal; and
 - (c) the pen or other enclosed structure or area must not contain one or more other animals that may pose a danger to the animal. O. Reg. 60/09, s. 2 (7).
- (8)** Every animal that is to be killed must be killed by a method that is humane and minimizes the pain and distress to the animal; an animal's pain and distress are deemed to be minimized if it is killed by a method that produces rapid, irreversible unconsciousness and prompt subsequent death. O. Reg. 60/09, s. 2 (8).

Standards of care for dogs that live outdoors

- 3. (1)** Every dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times. O. Reg. 60/09, s. 3 (1).
- (2)** The enclosure must be weather-proofed and insulated. O. Reg. 60/09, s. 3 (2).
- (3)** The size and design of the enclosure must be adequate and appropriate for the dog. O. Reg. 60/09, s. 3 (3).
- (4)** A chain, rope or similar restraining device used to tether a dog that lives primarily outdoors,
- (a) must be at least three metres long;
 - (b) must allow the dog to move safely and unrestricted (except by its length); and
 - (c) must allow the dog to have access to adequate and appropriate water and shelter. O. Reg. 60/09, s. 3 (4).

Standards of care for captive wildlife

- 4. (1)** Wildlife kept in captivity must be provided with adequate and appropriate care, facilities and services to ensure their safety and general welfare as more specifically set out in subsections (2) and (3) of this section and in sections 5 and 6. O. Reg. 60/09, s. 4 (1).
- (2)** Wildlife kept in captivity must be provided with a daily routine that facilitates and stimulates natural movement and behaviour. O. Reg. 60/09, s. 4 (2).

(3) Wildlife kept in captivity must be kept in compatible social groups to ensure the general welfare of the individual animals and of the group and to ensure that each animal in the group is not at risk of injury or undue stress from dominant animals of the same or a different species. O. Reg. 60/09, s. 4 (3).

Standards for enclosures for captive wildlife

5. (1) A pen or other enclosed structure or area for wildlife kept in captivity must be of an adequate and appropriate size,

- (a) to facilitate and stimulate natural movement and behaviour;
- (b) to enable each animal in the pen or other enclosed structure or area to keep an adequate and appropriate distance from the other animals and people so that it is not psychologically stressed; and
- (c) to ensure that the natural growth of each animal in the pen or other enclosed structure or area is not restricted. O. Reg. 60/09, s. 5 (1).

(2) A pen or other enclosed structure or area for wildlife kept in captivity must have,

- (a) features and furnishings that facilitate and stimulate the natural movement and behaviour of each animal in the pen or other enclosed structure or area;
- (b) shelter from the elements that can accommodate all the animals in the pen or other enclosed structure or area at the same time;
- (c) surfaces and other materials that accommodate the natural movement and behaviour of each animal in the pen or other enclosed structure or area;
- (d) one or more areas that are out of view of spectators; and
- (e) one or more sleeping areas that can accommodate all the animals in the pen or other enclosed structure or area at the same time and that are accessible to all the animals at all times. O. Reg. 60/09, s. 5 (2).

(3) A pen or other enclosed structure or area for wildlife kept in captivity must be made of and contain only materials that are,

- (a) safe and non-toxic for the animals kept in the pen or other enclosed structure or area; and
- (b) of a texture and design that will not bruise, cut or otherwise injure the animals. O. Reg. 60/09, s. 5 (3).

(4) A pen or other enclosed structure or area for wildlife kept in captivity and any gates or other barriers to it, including moats, must be designed, constructed and locked or otherwise secured to prevent,

- (a) interaction with people that may be unsafe or inappropriate for the wildlife;
- (b) animals escaping from the pen or other enclosed structure or area by climbing, jumping, digging, burrowing or any other means; and

- (c) animals or people (other than people who are required to enter the enclosure as part of their duties) from entering the pen or other enclosed structure or area by climbing, jumping, digging, burrowing or any other means. O. Reg. 60/09, s. 5 (4).

(5) A pen or other enclosed structure or area for wildlife kept in captivity and any gates or other barriers to it, including moats, must be designed, constructed and maintained in a manner that presents no harm to the wildlife. O. Reg. 60/09, s. 5 (5).

Standards of care for captive primates

6. Every primate kept in captivity must be provided with,

- (a) daily interaction with a person having custody or care of the primate;
- (b) a varied range of daily activities, including foraging or task-oriented feeding methods; and
- (c) interactive furnishings, such as perches, swings and mirrors. O. Reg. 60/09, s. 6.

7. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 60/09, s. 7.

Criminal Code of Canada – Cruelty to Animals

Sections in the Criminal Code of Canada that are directly related to animal cruelty.

Causing unnecessary suffering

445.1 (1) Every one commits an offence who

(a) wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering or injury to an animal or a bird;

(b) in any manner encourages, aids or assists at the fighting or baiting of animals or birds;

(c) wilfully, without reasonable excuse, administers a poisonous or an injurious drug or substance to a domestic animal or bird or an animal or a bird wild by nature that is kept in captivity or, being the owner of such an animal or a bird, wilfully permits a poisonous or an injurious drug or substance to be administered to it;

(d) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated; or

(e) being the owner, occupier or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (d).

Punishment

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or to imprisonment for a term of not more than eighteen months or to both.

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it pain, suffering or injury is, in the absence of any evidence to the contrary, proof that the pain, suffering or injury was caused or was permitted to be caused wilfully, as the case may be.

Presence at baiting as evidence

(4) For the purpose of proceedings under paragraph (1)(b), evidence that an accused was present at the fighting or baiting of animals or birds is, in the absence of any evidence to the contrary, proof that he or she encouraged, aided or assisted at the fighting or baiting. 2008, c. 12, s. 1.

Causing damage or injury

446. (1) Every one commits an offence who

(a) by wilful neglect causes damage or injury to animals or birds while they are being driven or conveyed; or

(b) being the owner or the person having the custody or control of a domestic animal or a bird or an animal or a bird wild by nature that is in captivity, abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.

Punishment

(2) Everyone who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars or to imprisonment for a term of not more than six months or to both.

Failure to exercise reasonable care as evidence

(3) For the purposes of proceedings under paragraph (1)(a), evidence that a person failed to exercise reasonable care or supervision of an animal or a bird thereby causing it damage or injury is, in the absence of any evidence to the contrary, proof that the damage or injury was caused by wilful neglect.

R.S., 1985, c. C-46, s. 446; 2008, c. 12, s. 1.

U.S.A. Research Relating to Standards of Care for Companion Animals

The following includes samples of existing U.S.A. legislation regulating the standards of care for animals as provided by Mr. Shane McNeil in his deputation to Council on January 22, 2014 and additional samples as researched by staff.

Animals Left Outdoors 24/7:

Jefferson County, Missouri:

No person shall keep a dog outdoors unless at least one of the following applies:

- dog has access to owner's home through a dog door during time spent outside;
- the dog is under the supervision of a human who can let the dog into the owner's home during all time spent outside; and/or,
- the dog spends less than one hour per day outside;
- the dog is provided full access to an enclosed building, dog house, or similar shelter at all times.

State of Ohio:

- Maximum four hours (if tethered or penned) where ambient temperature falls below minus one degree Celsius (30 degrees Fahrenheit) or where temperature is above 29 degrees Celsius (85 degrees Fahrenheit) must have access to shade.

Extreme Weather:

Pembroke Park, Florida:

- A dog may not be maintained outdoors during periods of extreme weather including but not limited to hurricane, tropical storms and tornados. The animal must not be exposed to excessive heat or cold. It is unlawful to not prevent an animal from being exposed to extreme temperatures which adversely affect health and safety.

Tallahassee, Florida:

- It is the responsibility of the owner to provide adequate water, food, shelter and health care for their animals during hurricanes and other natural disasters and to responsibly evacuate them when necessary.

Taos, New Mexico:

- An animal shall be brought indoors, garages or other suitable areas when temperatures drop to a point where the animal is potentially exposed to harm based on size/species of animal.

New Orleans, Louisiana:

- When outdoor temperatures reach freezing levels all animals must be moved indoors or to an area that provides shelter from the weather. All animals must be moved indoors for their safety for the duration of an extreme weather advisory issued for a specific time period including but not limited to: heat, tornado, tropical storm or hurricane. Animals must remain indoors and be provided care for the duration of the advisory unless being walked on a leash by their owner/custodian.

Creve Coeur, Missouri:

- Animals cannot be exposed to weather conditions that cause immediate or imminent threat to the animal's physical well-being.

Tethering:

Many U.S.A. jurisdictions regulate, limit or ban the tethering of dogs. The AKC research indicates that this practice became more and more prevalent in the U.S.A. around the mid 2000's.

Almost all of the tethering laws prohibit the use of choke or pinch collars and list a variety of safety precautions relating to entanglement, strangulation, access to neighbouring or public property etc. Specifications also apply to a maximum weight of a tether which is usually a percentage of the dog's weight and a minimum length for a tether. Tether lengths ranged from five to eight times the length of the dog (from nose to tip of tail) to six metres (20 feet) in length.

Chagrin Falls, Ohio:

- Dogs tethered outside shall be limited to a total of nine hours in any 24 hour period. When ambient temperatures fall below minus one degree Celsius (30 degrees Fahrenheit) dogs shall be limited to a total of four hours outside whether in a pen or on a tether. Dogs must be provided with shade when summer temperatures exceed 29 degrees Celsius (85 degrees Fahrenheit).

Grand Prairie, Texas:

- Tethering cannot exceed three hours in a 24 hour period and no longer than is necessary for an owner to complete a temporary task that requires the animal to be restrained. Tethering is prohibited between the hours of 10:00 p.m. to 6:00 a.m. Tethering is prohibited if the outdoor temperature is below 0 degrees Celsius (32 degrees Fahrenheit) or if a heat advisory has been issued by a local or state authority or a hurricane, tropical storm or tornado warning has been issued by the jurisdiction or the National Weather Service.

Tallahassee, Florida:

- No tethering permitted that is injurious to the animal's health, safety or well-being. Tethering is prohibited during extreme weather occurrences, natural disasters including extreme heat, cold, flood, hail, fire, tornado, hurricane and/or blizzard. No tethering on vacant or abandoned property.

Topeka, Kansas:

- No tethering without supervision. No tethering if the animal cannot access shade or shelter or when below 40 degrees Fahrenheit (4 degrees Celsius).

St. Paul, Minnesota:

- Tethering is limited to two consecutive hours maximum with a two hour rest period off of the tether and a maximum of four, two hour tethering periods in a 24 hour period.

Maumelle, Arkansas:

- Tethering is not permitted, not permitted to tether to stationary objects.

Collier County and Pembroke, Florida:

- A tethered animal must be in visual range or supervised at all times. Specifying the person must be outdoors with the dog while the dog is tethered.

Pet Housing Construction:

Research of the U.S.A. legislation as it pertains to the construction or size of pet housing was very similar to the Canadian standards in that, the provisions are very general and related to protection from the elements and extreme weather.

Baton Rouge, Louisiana:

- Indoor kennels should be a minimum of 10 degrees Celsius (50 degrees Fahrenheit).

State of Ohio:

- An animal cannot be confined without access to shelter from wind, rain, snow or excessive or direct sunlight or if one would reasonably expect the animal would suffer or become sick. Shelters must be insulated for living outside, must have four walls, roof, and raised floor and front entrance protected from the elements.

Pen/Enclosure Size:

Examples are shown below where a minimum measurement or a measurable calculation was provided:

Grand Prairie, Texas:

- Minimum measurement standard for a pen/enclosure size, 9.2 square metres (100 square feet) with an additional 2.8 square metres (30 square feet) for each additional dog.

State of Ohio and Maumelle, Arkansas:

- Minimum measurement standard for a pen/enclosure size, 13.9 square metres (150 square feet) per dog.

Collier County, Florida:

- Pen/enclosure size calculation: double the length of the animal squared and then divided by 144. Height is 1.5 times the length of the animal

Transport of Animals:

Many U.S.A. jurisdictions do not allow animals to ride in open vehicles. Here is one example:

Taos, New Mexico:

- Animals cannot be carried in a cruel, inhumane or unsafe manner including the open bed of a truck.

Animals Unattended in Vehicles:

Pembroke Park, Florida:

- It is illegal to leave any animal unattended in a motor vehicle.

State of West Virginia:

- It is illegal to leave an animal unattended and confined in a car when physical injury or death is likely to result.

Phoenix, Arizona:

- No person shall confine an animal in a car under conditions or for a period of time that may endanger the health or well-being of the animal due to heat, lack of food or drink, or during circumstances that may reasonably be expected to cause suffering, disability or death.

Topeka, Kansas:

- It is illegal to leave any animal confined in a vehicle for more than five minutes in 26.6 degrees Celsius (80 degrees Fahrenheit) or minus one degree Celsius (30 degrees Fahrenheit) weather.

Jefferson City Missouri:

- It is illegal to leave an animal unattended in a standing or parked car in a way that endangers the health or safety of the animal. The presumption is that the health and safety of an animal is in danger if the animal is in a car and the temperature is 26.6 degrees Celsius (80 degrees Fahrenheit) or greater and the interior of the vehicle is not provided

with conditioned air to maintain an internal temperature of 26.6 degrees Celsius (80 degrees Fahrenheit) or less.

Maumelle, Arkansas:

- Not permitted if higher than 26.6 degrees Celsius (80 degrees Fahrenheit).

Austin, Texas:

- A person may not keep an animal in a car or other enclosed space in which the animal's health or life is endangered by high temperature, low temperature or inadequate ventilation.

In summary, research indicates that in many cases the U.S.A .has stricter guidelines than Canada related to extreme weather and the tethering of dogs.



Canadian Veterinary
Medical Association
L'Association canadienne
des médecins vétérinaires

May 29, 2014

Linda Dent
Public Education Officer
City of Mississauga - Animal Services
735 Central Parkway West
Mississauga Ontario
L5C 4H4
(905) 615-3200 ext 5946
linda.dent@mississauga.ca

Dear Ms Dent:

Re: Recommendations for Amendments to the Animal Care and Control Bylaw

The Canadian Veterinary Medical Association's (CVMA) animal welfare committee (AWC) is appreciative of the opportunity to provide comments to the City of Mississauga on the draft recommendations relating to the proposed amendments to the Animal Care and Control Bylaw 98-04 to regulate the standards of care and improved animal welfare.

The CVMA supports in principle the City of Mississauga staff report and standards of care recommendations to amend the Animal Care and Control Bylaw.

Sincerely,

Warren Skippon DVM
Manager
Animal Welfare and National Issues Committee
Canadian Veterinary Medical Association



www.animalhealthcare.ca www.canadianveterinarians.net
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ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS



ONTARIO SPCA
AND HUMANE SOCIETY • PROTECTING ANIMALS SINCE 1873

16586 Woodbine Avenue, RR 3
Newmarket, ON L3Y 4W1

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Fax: 905-853-8643
Email: info@ospca.on.ca
Website: www.ontariospca.ca

Charitable Registration # 88969 1044 RR0002

June 2, 2014

City of Mississauga - Animal Services
735 Central Parkway West
Mississauga Ontario
L5C 4H4

To whom it may concern:

The Ontario SPCA has reviewed the City of Mississauga standards of care recommendation and commends you for taking the steps to enhance animal welfare.

The Ontario SPCA supports the recommendations for Amendments to the Animal Care and Control By-law 0098-04. Please see attached.

Should you have any further questions, please do not hesitate to contact me.

Regards,

Connie Mallory
Chief Inspector
Ontario SPCA
1-888-668-7722 x 342



Corporate Report

Clerk's Files

Originator's
Files

DATE: June 3, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014

FROM: Mary Ellen Bench, BA, JD, CS
City Solicitor

SUBJECT: **Methadone Licensing By-law**

General Committee

JUN 18 2014

RECOMMENDATION: That a By-law be enacted to license and regulate methadone clinics and methadone pharmacies as outlined in the report from the City Solicitor, dated June 3, 2014 and entitled "Methadone Licensing By-law".

**REPORT
HIGHLIGHTS:**

- Methadone clinics and pharmacies deliver methadone maintenance treatment to help treat opioid dependence in the community.
- Methadone clinics and pharmacies are currently regulated according to federal legislation, the College of Physicians and Surgeons of Ontario (the "CPSO") and the Ontario College of Pharmacists (the "OCP") which determine how methadone is prescribed and administered by physicians and pharmacists.
- City staff recommend that methadone clinics and pharmacies be regulated for the protection of public health, safety and well-being of persons and recommend that the City regulate methadone clinics and pharmacies using a licensing regime. The proposed By-law will complement the rules and regulations already in place for physicians and pharmacists.

- The proposed By-law will allow the Licence Manager to refuse, revoke or suspend a licence if the applicant or licensee has not complied with any requirement set out by the CPSO and/or OCP.

BACKGROUND:

This report entitled “Methadone Licensing By-law” is in response to Council’s enquiry at General Committee on March 26, 2014 requesting that research be conducted regarding the location and regulation of methadone clinics, and to subsequently explore the potential to licence methadone clinics and pharmacies.

Methadone use for the treatment of opioid dependence is currently regulated by Health Canada in partnership with the Ministry of Health and Long Term Care, the College of Physicians and Surgeons of Ontario (the “CPSO”) and the Ontario College of Pharmacists (the “OCP”). These groups are responsible for ensuring that appropriate safeguards are in place for the prescribing and administering of methadone.

The prescribing and administering of methadone is performed by physicians and pharmacists in Ontario. Physicians who prescribe methadone require a federal exemption under section 56 of the *Controlled Drugs and Substances Act*. Pharmacists on the other hand do not need an exemption to dispense methadone.

Currently, physicians who prescribe methadone are required to adhere to the rules and regulations as set out by the federally regulated *Controlled Drugs and Substances Act* and the CPSO’s Methadone Maintenance Treatment Program Standards and Clinical Guidelines which include:

- Conducting an initial patient assessment for suitability for methadone maintenance treatment;
- Performing urine drug screenings;
- Registering all patients with the CPSO to ensure patients do not receive treatment elsewhere;
- Executing an agreement with all patients outlining the expectations of involvement in the Methadone Maintenance Treatment program; and

- Adhering to dosage regulations including take-home doses and dosage adjustments.

Similarly, the dispensing of methadone is currently regulated for pharmacists who are required to:

- Receive a prescription from an exempted physician;
- Follow preparation standards; and
- Maintain a log of patients and methadone ingestion.

There are approximately 187 stand-alone methadone clinics in Ontario with 408 doctors having been granted an exemption to prescribe methadone. City staff has determined that there are at least four methadone clinics in Mississauga, two of which contain a methadone pharmacy on site.

In consultation with staff from Policy Planning, Zoning, Building, Compliance & Licensing and Legal Services, it is recommended that the City regulate methadone clinics and pharmacies for prescribing and dispensing of methadone using a licensing regime. To date, the City of London is the only municipality in Ontario to license methadone clinics and pharmacies. The City of London enacted its By-law on September 1, 2013.

COMMENTS:

Municipal Act, R.S.O. 2001, c.25

Section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws regarding the health, safety and well-being of persons. The proposed licensing By-law will address the health, safety and well-being of persons by identifying where methadone clinics and pharmacies are located in the City of Mississauga and ensuring that methadone clinics and pharmacies are complying with all requirements under federal legislation, the CPSO and OCP related to methadone. Dual compliance between different levels of government is permissive where no operational conflict is found. The proposed By-law will not conflict with any of the current regulations in place for methadone clinics and pharmacies.

Section 128 of the *Municipal Act, 2001*, further authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become

or cause public nuisances. The proposed By-law will prohibit licensees from permitting any person to loiter or create a disturbance on the property where the methadone clinic or pharmacy is located.

Finally, section 151 of the *Municipal Act, 2001* authorizes municipalities to enact by-laws to regulate businesses operating within its' borders.

Licensing By-law

The proposed licensing By-law provides for the following:

Administration of By-law

The administration of the proposed By-law is assigned to the Licence Manager who has the authority to undertake the following duties:

- Receive and review all applications for licences;
- Issue, renew, revoke or suspend licences; and
- Impose terms and/or conditions on licences.

What is licensed

The proposed licensing By-law will require separate licences for methadone clinics (prescribing of) and methadone pharmacies (dispensing of). A methadone clinic that dispenses methadone as an ancillary use will not require two licenses. However, a pharmacy that dispenses methadone at the same location as a methadone clinic and is not an ancillary use of the clinic will require a separate licence. This mirrors the approach that was taken by the City of London in the implementation of its By-law.

Application for a licence

All applicants for a new licence will be required to provide a Zoning Certificate indicating that the use for which the application has been made is approved under the Zoning By-law, 225-2007, as amended, as an approved use for a medical office or pharmacy/retail store.

Applications for a licence to operate a methadone clinic must also be accompanied by a letter from the Office of Controlled Substances at

Health Canada outlining that at least one of the physician(s) operating under said licence has been granted an exemption under the *Controlled Drugs and Substances Act* to prescribe methadone.

Powers of Licence Manager

The Licence Manager has the ability to issue/renew, revoke, suspend or impose terms and conditions on a licence.

More specifically, the Licence Manager will have the power to revoke or suspend a licence where there are reasonable grounds to believe that:

- the applicant or licensee is not in compliance with any regulations or policies imposed by the CPSO and the OCP;
- the applicant or licensee does not meet all of the requirements of the proposed By-law or any other City By-law; and
- the applicant or licensee has failed to pay any fine imposed by a court for a breach of a City By-law.

Nuisance Prohibition and Clean Conditions

In addition to the provisions available under the City's Nuisance Type Noise By-Law 785-80, as amended, and the Noise Control By-Law 360-79, as amended, the proposed By-law will provide for the following:

- No licensee shall permit any person to loiter, create a disturbance or cause undue noise while on the Premises.
- The licensee shall keep the Premises in a clean and sanitary condition at all times including removing all refuse or debris from the Premises.

Right of Appeal

An applicant shall have the right to appeal to the Mississauga Appeal Tribunal the decision of the Licence Manager to refuse to issue/renew, revoke or suspend a Licence.

Right of Inspection

A bylaw enforcement officer will have the ability to enter upon and inspect the business premises of any licensee to ensure that the provisions of the proposed licensing By-law are complied with.

3. Zoning

Methadone clinics and methadone pharmacies are captured as a medical office and pharmacy/retail store respectively under the current Zoning By-law 225-07, as amended. Further, a drug dispensary is permitted as an accessory use to a medical office under the Zoning By-law. Therefore, an amendment to the Zoning By-law is not required.

4. The Ontario Human Rights Commission

The Ontario Human Rights Commission (the "OHRC") has requested municipalities to examine amendments to municipal policies and regulations regarding methadone clinics and land use regulation to ensure they relate to planning issues and not people. The OHRC has indicated that zoning bylaws should "neither target, nor have a discriminatory impact on people with addictions. There needs to be a genuine planning purpose for all decisions and [municipalities] should work to ensure that the needs of people with addictions are accommodated in any planning changes it makes."

In February 2013, the OHRC sent a letter to the Northern Town of Manitoulin ("Manitoulin") expressing concern regarding Manitoulin's determination that a methadone clinic had violated its public nuisance by-law. The OHRC reminded Manitoulin that it must "show that it tried to accommodate the clinic's users to the point of undue hardship, as receipt of health service is a service under the Ontario Human Rights Code".

Section 1 of the *Human Rights Code* prohibits discrimination in services against people with disabilities, including addiction. The City's proposed licensing regime does not discriminate against users of methadone clinics and pharmacies. It demonstrates a municipality's exercise of its powers available under the *Municipal*

Act to identify the locations of methadone clinics and pharmacies and ensure that federal standards are met.

5. Enforcement

Licence Fees

Annual licence fees are proposed to commensurate with other City business licences and to offset costs related to administering and enforcing the proposed By-law. Staff recommend a new licence fee of \$200.00 and a renewal licence fee of \$172.00. These fees are in line with other City licence fees.

Enforcement Action Plan

Once Council has enacted the proposed By-law, staff from Communications will implement a communications plan to raise awareness of the proposed By-law. Enforcement staff will then notify by letter, all known methadone clinics and methadone pharmacies of the requirement to obtain a licence under the By-law. Enforcement staff will then initiate proactive follow-ups to ensure the identified methadone clinics and methadone pharmacies obtain the required licence. Moving forward, staff recommend that these licences be investigated and enforced in response to complaints received, as is currently done for other businesses requiring a licence under the Business Licensing By-law 1-06, as amended.

FINANCIAL IMPACT: Methadone clinics and methadone pharmacies do not currently require a licence and therefore are not subject to regular inspection. These facilities are few in number and are dispersed throughout the City. It is anticipated that the need for enforcement resources will be minimal since Compliance and Licensing Enforcement typically experiences a high rate of compliance with licensing by-laws.

CONCLUSION: The purpose of this report is to respond to Council's request to explore enacting a By-law to license and regulate methadone clinics and pharmacies. This proposed By-law will complement the rules and regulations currently in place for methadone clinics and pharmacies in Ontario.

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ATTACHMENTS: N/A

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Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared By: Robert Genoway, Legal Counsel



Corporate Report

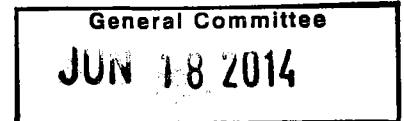
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4.

DATE: June 4, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014



FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: Proposal to Increase the Set Fines Related to the Towing Industry

- RECOMMENDATION:**
1. That a by-law be enacted to amend the Tow Truck Licensing By-law 521-04, as amended, to include increased set fines as approved by the Ministry of the Attorney General as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposal to Increase the Set Fines Related to the Towing Industry".
 2. That Legal Services be authorized to make an application to the Ministry of the Attorney General for set fines under Part 1 of the *Provincial Offences Act* for the Tow Truck Licensing By-law 521-04, as amended, as outlined in the report from the Commissioner of Transportation and Works, dated June 4, 2014 and entitled "Proposal to Increase the Set Fines Related to the Towing Industry".

BACKGROUND: Mobile Licensing Enforcement staff and Peel Regional Police (PRP) have investigated numerous tow truck concerns regarding equipment and towing practices. In 2013, staff issued 156 charges and 200 Notices of Contravention (NOC) for equipment deficiencies and failing to produce relevant documents. Statistics were not available from PRP. The set fines for these types of offences are relatively low

with a set fine of \$70 resulting in a total payable fine of \$90.

At its meeting of May 6, 2014 the Towing Industry Advisory Committee (TIAC) approved the following recommendations:

- "1. That the report from the Commissioner, Transportation and Works, dated April 28, 2014, and entitled "Recommendation to Request Permission from the Attorney General's Office to Increase Set Fines Related to the Towing Industry" be received for information.*
- 2. That staff incorporate comments received from the Towing Industry Advisory Committee and prepare a report to be considered by General Committee on the recommended increases to set fines related to the tow truck industry."*

The above-noted recommendation was approved by General Committee at its meeting of May 28, 2014 (GC-0258-2014).

This report is in response to the above-noted recommendation.

COMMENTS:

Mobile Licensing Enforcement staff reviewed the set fines for tow truck drivers and owners for Hamilton, Brampton and Toronto. The set fines in these municipalities range from \$100 to \$205. The low set fine of \$70 in Mississauga has resulted in tow truck drivers paying the fine with a view that it is a cost of doing business. Further, the fine is not substantial enough to result in compliance with City by-laws. A copy of the current set fines related to tow trucks is attached to this report as Appendix 1.

At the meeting of May 6, 2014, TIAC members supported the recommended increases in the set fines for the towing industry and verbally advised all towing industry members present that the fines were a deterrent and not a cost of doing business.

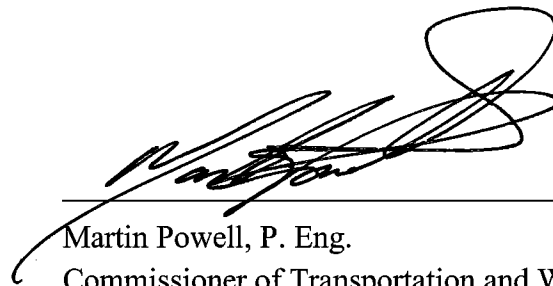
FINANCIAL IMPACT: No direct financial impact would be experienced by the Corporation of the City of Mississauga.

CONCLUSION:

Staff are of the opinion that an increase in set fines from \$70 to \$200 will result in tow truck drivers understanding the seriousness of the offences and lead to improved compliance with City by-laws. As a result, staff recommend that the City make application to the Attorney General's office for permission to increase the set fines to \$200 in the Tow Truck Licensing By-law 521-04, as amended.

ATTACHMENTS:

Appendix 1: Enforcement Division – Mobile Licensing
Enforcement Current Tow Truck Set Fines



Martin Powell, P. Eng.

Commissioner of Transportation and Works

Prepared By: Daryl Bell, Manager, Mobile Licensing Enforcement

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**ENFORCEMENT DIVISION - MOBILE LICENSING ENFORCEMENT
CURRENT TOW TRUCK SET FINES**

	Short Form Wording	Provision Creating or Defining Offence	Set Fine	Total Payable
1	Fail to apply for replacement Owners Plate when Owners Plate is defaced/destroyed/lost	Section 2(2)	\$70.00	\$90.00
2	Fail to notify Licensing Section within seven days of any change in information	Section 17(1)	\$70.00	\$90.00
3	Fail to notify Licensing Section within seven days of change of name/business name	Section 17(2)	\$70.00	\$90.00
4	Refuse to deliver revoked/suspended Licence/Owner's Plate to Licence Manager	Section 24(2)	\$70.00	\$90.00
5	Fail to Produce Tow Truck Owner's Licence when requested	Section 27	\$70.00	\$90.00
6	Fail to produce Tow Truck driver's Licence when requested	Section 27	\$70.00	\$90.00
7	Fail to produce photograph card when requested	Section 27	\$70.00	\$90.00
8	Fail to produce documents when requested	Section 27	\$70.00	\$90.00
9	Fail to keep Tow Truck free from exterior body damage/well maintained exterior paint finish	Section 28(5)	\$70.00	\$90.00
10	Operate/permit to be operated a Tow Truck not equipped with one device for securing the steering wheel of Vehicle	Section 29(1)(c)	\$70.00	\$90.00
11	Operate/permit to be operated a Tow Truck not equipped with two dry chemical fire extinguishers having effective total rating equivalent to at least 4-B C/at least weighting 2.27 kg	Section 29(1)(d)	\$70.00	\$90.00
12	Operate/permit to be operated a Tow Truck not equipped with a minimum of two tow safety chains have minimum length of 2.7432 metres/each with links of at least 7.9375mm steel	Section 29(1)(e)	\$70.00	\$90.00
13	Operate/permit to be operated a Tow Truck not equipped with four (4) safety pylons	Section 29(1)(f)	\$70.00	\$90.00
14	Operate/permit to be operated a Tow Truck not equipped with an intermittent amber warning light system	Section 29(1)(g)	\$70.00	\$90.00
15	Operate/permit to be operated a Tow Truck not equipped with a broom	Section 29(1)(h)	\$70.00	\$90.00
16	Operate/permit to be operated a Tow Truck not equipped with shovel	Section 29(1)(i)	\$70.00	\$90.00
17	Operate/permit to be operated a Tow Truck not equipped with first aid kit	Section 29(1)(j)	\$70.00	\$90.00
18	Operate/permit to be operated a Tow Truck not equipped with crowbar/prybar at least 152.4 cm (60 inches) in length	Section 29(1)(k)	\$70.00	\$90.00
19	Operate/permit to be operated a Tow Truck not equipped with at least two wheel blocks	Section 29(1)(l)	\$70.00	\$90.00
20	Operate/permit to be operated a Tow Truck not equipped with flares/reflector kits	Section 29(1)(m)	\$70.00	\$90.00
21	Operate/permit to be operated a Tow Truck not equipped with wheel wrenches	Section 29(1)(n)	\$70.00	\$90.00
22	Operate/permit to be operated a Tow Truck not equipped with light bar for rear extension carrier	Section 29(1)(o)	\$70.00	\$90.00
23	Fail to clean up debris/fragments of glass/Vehicle parts/other materials from any highway/roadway	Section 30(2)	\$70.00	\$90.00
24	Fail to be properly dressed/neat/clean in personal appearance	Section 30(3)	\$70.00	\$90.00
25	Fail to make Permission to Tow a Vehicle Form available for inspection upon request	Section 30(4)(a)	\$70.00	\$90.00
26	Drive/act as Driver without first providing Licence Manager with letter of Owner's consent	Section 31(6)	\$70.00	\$90.00
27	Fail to notify Licence Manager when possession/control of Tow Truck given to another person	Section 33(1)	\$70.00	\$90.00
28	Fail to keep schedule of rates in Tow Truck	Section 33(5)	\$70.00	\$90.00



Corporate Report

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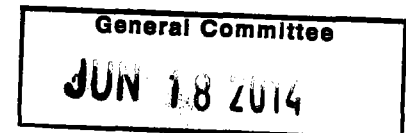
5.

DATE: June 6, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014

FROM: Martin Powell, P.Eng.
Commissioner of Transportation and Works

SUBJECT: **City Initiated Official Plan Amendment and Rezoning for the Development of a New South East Operations Yard - Ward 1**



RECOMMENDATION: That the Planning and Building Department be directed to commence the process for a City initiated Official Plan Amendment and Rezoning for 2385 Loreland Avenue for the purposes of developing a new Works and Parks operations yard including the outdoor storage of equipment and materials.

BACKGROUND: The Transportation and Works Department and Community Services Department have identified the need for a new shared use operations yard located in the southeast quadrant of the City.

An internal report prepared by Management Consulting staff outlined all the pertinent facts related to the development of a fifth operations yard in terms of physical location, facility layout, area and required amenities.

In general terms, the operations yard would be similar in nature to other yards throughout the City with no substantive buildings constructed on the site other than salt domes, washroom buildings and a small administrative building. Outdoor storage of seasonal works equipment and material would also be provided.

Previous public meetings regarding this site presented a concept that included a sport field on a portion of the property. However, upon further review it was determined that the site is not large enough to accommodate the needs of both a Works and Parks operations yard and recreational facilities.

COMMENTS:

The location of the preferred site for this facility was identified as the lands located at the end of the recent Loreland Avenue extension, south of Mattawa Avenue in Ward 1 (see Appendix 1). The lands are bounded on their east and south extents by the Etobicoke and Little Etobicoke Creeks and have a municipal address of 2385 Loreland Avenue.

The lands are currently designated "**Business Employment**" and "**Greenbelt**" in the Dixie Employment Area of Mississauga Official Plan. The "**Business Employment**" designation permits an integrated mix of business activities that operate mainly within enclosed buildings. The "**Greenbelt**" designation is generally associated with natural hazards and/or natural areas where development is restricted. Furthermore, the lands are currently zoned "**E2**" (**Employment**) and "**G1**" (**Greenbelt**). An Official Plan Amendment (OPA) and Rezoning are required to accommodate the proposed operations yard that will have with no substantive buildings constructed on the site and will include outdoor storage of seasonal Works and Parks equipment and material such as snow storage and wood chip storage (see concept layout in Appendix 2).

Pending approval from Council, staff will initiate the process to undertake the OPA and Rezoning.

The local ward Councillor has been consulted and supports moving ahead with initiating the OPA and Rezoning process for the use of these lands to accommodate the development of a new Works and Parks operations yard.

STRATEGIC PLAN: CONNECT: Completing our Neighbourhoods

FINANCIAL IMPACT: There are no financial impacts at this time.

CONCLUSION:

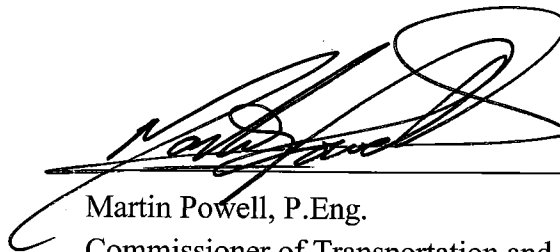
The Transportation and Works Department and Community Services Department have identified the need for new shared use operations yard located in the south east quadrant of the City.

The preferred site for this facility was identified as the lands associated with the municipal address of 2385 Loreland Avenue. In order to proceed with the proposed development, an Official Plan Amendment (OPA) and Rezoning is required.

ATTACHMENTS:

Appendix 1: Location Map

Appendix 2: Draft Concept Layout

A handwritten signature in black ink, appearing to read 'Martin Powell', is written over a horizontal line.

Martin Powell, P.Eng.

Commissioner of Transportation and Works

Prepared By: Geoff Wright, P.Eng., MBA

Director, Works Operations & Maintenance

MISSISSAUGA
Leading today for tomorrow

Transportation and Works
Works Operations & Maintenance

New South East Works and Parks Operations Yard
APPENDIX 1 - Location Plan
Ward 1, Z-12

SCALE FOR REDUCED DRAWINGS
0m 25m 50m 100m 150m 200m 250m 500m



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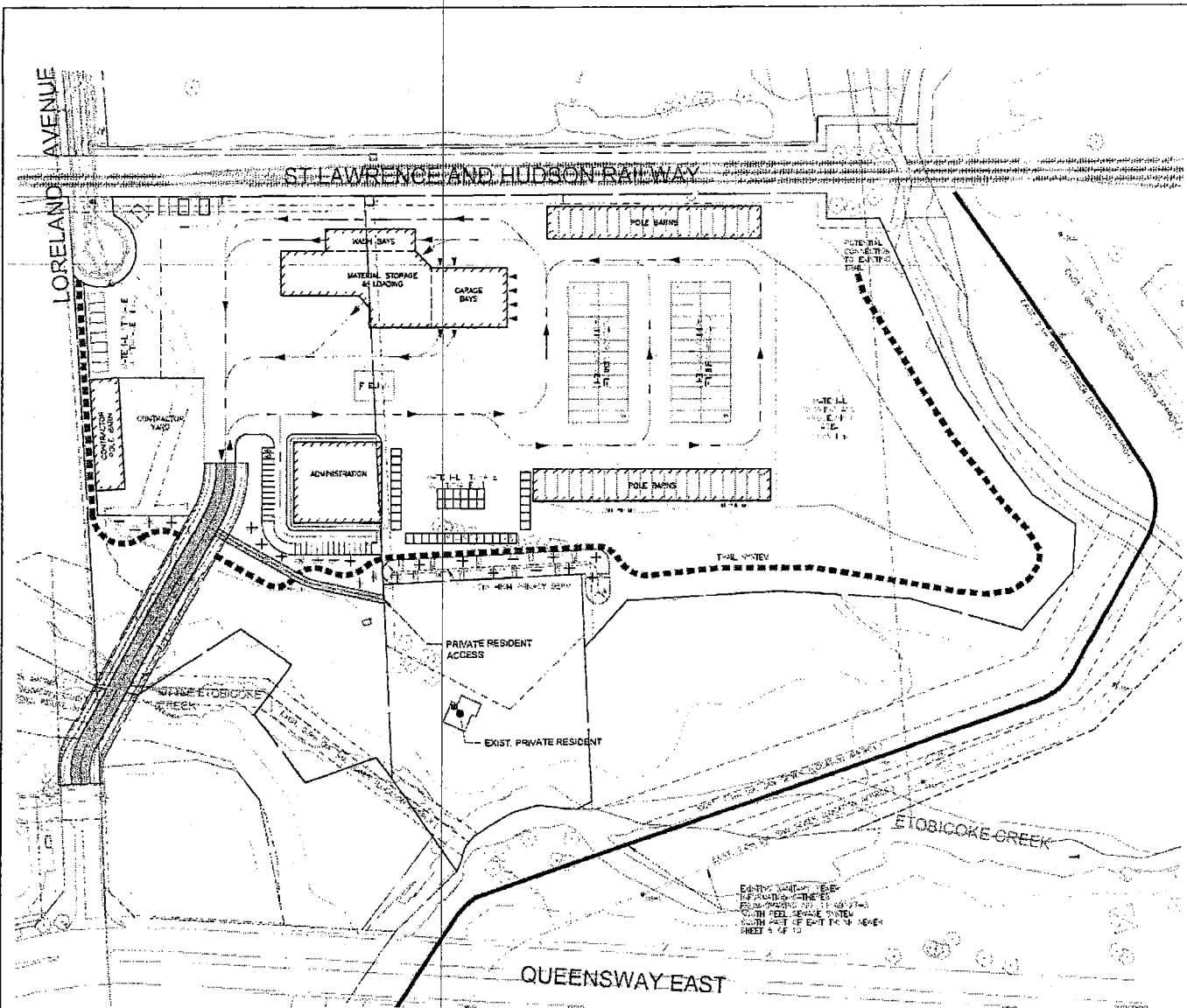
Transportation and Works

Works Operations & Maintenance

New South East Works and Parks Operations Yard
APPENDIX 1 – Location Plan
Ward 1, Z-12

SCALE FOR REDUCED DRAWINGS





Transportation and Works

Works Operations & Maintenance

New South East Works and Parks Operations Yard
 APPENDIX 2 - Site Plan
 Ward 1, Z-12





Corporate Report

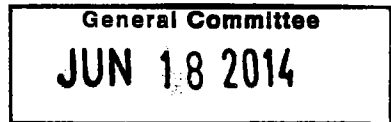
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6.

DATE: June 2, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014



FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: **Single Source Contract Renewal with Infor Public Sector, Inc.
for EnRoute Fire Computer-Aided Dispatch System for the Joint
Fire Communications Centre
File Ref: Procurement FA.49.439-14; FA.49.381-10 (Original)**

- RECOMMENDATION:**
1. That the Purchasing Agent be authorized to execute the necessary agreements with Infor Public Sector, Inc. for the supply of software maintenance and support with associated consulting services and application licenses to support the City's EnRoute Fire Computer Aided Dispatch (CAD) at a cost of \$1,408,340 exclusive of taxes, based on a five year plus two year optional contract term.
 2. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contract where necessary to accommodate growth by adding licenses with maintenance and support where funding is approved in the budget planning process.
 3. That Infor Public Sector, Inc. continues to be designated a "City Standard" until further performance review and evaluation has been completed with the current system by Mississauga Fire and Emergency Services (MFES) and partner agencies at which point the city will either decide to continue with the current vendor or to acquire a new system.

**REPORT
HIGHLIGHTS:**

- Infor Public Sector, Inc. is the City's current vendor for the City's EnRoute Fire CAD system. The current agreement expires on December 31, 2014.
- The maintenance and support cost is shared at approximately 45% with City of Brampton (39.7%) and Town of Caledon (4.9%).
- There is a need to renew the current contract with Infor Public Sector, Inc. until the end of 2019 with additional two years as an option to extend through 2021 with flexibility to purchase additional software and support on an as needed basis in order to allow the City time to review and evaluate the system before a decision is made to continue with current vendor or move forward with acquiring and implementing a new Fire CAD system.
- The pricing structure is for five years with 5% increase per year. The two optional years are not committed but are capped at a maximum of 6% annual escalation.

BACKGROUND:

The City of Mississauga originally purchased the MFES EnRoute Fire CAD system in 1992. The supplier for this system is now Infor Public Sector, Inc. This system supports 11 dispatch positions, real time automatic vehicle location on approximately 70 fire vehicles, incident reporting, statistical reporting, fire station alerting, 911 data acquisition and display, alpha-numeric paging throughout the Region of Peel, fire alarm notification and numerous other functions.

Since 1997 the City of Mississauga has managed the CAD system for the Joint Fire Communications Centre (JFCC) located at Peel Regional Police Headquarters in Brampton. Caledon Fire began sharing the system in 1998 and Brampton Fire in 1999.

Approximately 45% of any spending with this supplier is recovered on the basis of annual population ratios from City of Brampton (39.7% in 2013) and Town of Caledon (4.9% in 2013) however Mississauga purchasing bylaws are applicable based on the full amount of any purchases made with this supplier.

Significant upgrades and module additions have taken place over the years. The most recent significant expenditure with this supplier occurred in 2010 with budget approval for the addition of laptop computers to the MFES fleet to leverage the automatic vehicle location system already in place on the CAD. Licensing for this project and subsequent programming has raised the cumulative spending total with this vendor to \$998,255.

COMMENTS:

The current Infor Public Sector, Inc. Maintenance and Support Agreement (MSA) will expire at the end of 2014. To ensure that fire and emergency services to the public continue without interruption, the MFES Leadership Team has reviewed and recommends that the current Infor Public Sector, Inc. MSA be renewed to the end of 2019 with an additional two years as an option to extend through 2021. The MSA will include software version upgrades and support for the Fire CAD system. The timing will provide the City with the necessary time to re-evaluate the system before making a decision to continue with Infor Public Sector, Inc. or to research, procure and implement a replacement system.

As the Infor Public Sector, Inc. product line evolves during the contract term and as industry technologies change, it is expected there will be requirements for additional software licenses, periodic minor software customizations, report changes, interface changes or assistance in troubleshooting the operation of 3rd party peripheral devices. These changes are not always predictable, are generally of moderate cost and can yield immediate operational benefits related to issues which are outside the normal maintenance and support supplied by the vendor.

The Purchasing Agent is seeking authority to renew the existing contract in the estimated amount of \$1,208,340 to accommodate for software maintenance & support. Also, additional spending authority not to exceed \$200,000 over the term of the agreement is requested to accommodate consultant services, project management, training and system modifications or module additions or upgrades where these projects are approved through the normal budget planning process. Infor Public Sector, Inc. is the exclusive supplier of the EnRoute Fire CAD system, consulting services and the yearly maintenance and

support. The Purchasing By-law #374-2006, provides for single source awards under these circumstances, wherein it states, in Schedule A (a) *The Goods and/or Services are only available from one supplier by reason of: (iii) the existences of exclusive rights such as patent, copyright or licence.*

FINANCIAL IMPACT: The City's share of maintenance costs for each of years five (2015 – 2019) through two optional years (2020 – 2021) will be funded through Information Technology annual maintenance budget, subject to Council approval.

Year (5% annual increase)	Total (US\$)	City Share (US\$) Based on 2015 estimated at 55.4%
2015	147,721.59	81,837.76
2016	155,118.05	85,935.40
2017	162,868.95	90,229.40
2018	171,007.40	94,738.10
2019	179,552.77	99,472.23
2020 - Optional with projected cost (estimated at 6%)	190,325.93	105,440.56
2021 - Optional with projected cost (estimated at 6%)	201,745.48	111,766.99
Sub-Total	1,208,340.17	669,420.44
Professional Services including, Training, Project Management, Onsite Setup, Software Modifications	200,000.00	110,800.00
Total	1,408,340.17	780,220.44

Infor Public Sector, Inc. will commit to maintenance and support cost for five years at 5% increase per year from beginning of contract date January 1, 2015 through December 31, 2019. The annual maintenance fee for the optional years 2020 and 2021 will be subject to successive increases on an annual basis, not to exceed the Annual Escalation Cap, which is 6%. Under the JFCC Agreement, the City of Mississauga will recover approximately 39.7% from the City of Brampton and 4.9% from the Town of Caledon within 30 days of invoice.

Sufficient funding is in the IT Maintenance Operating Budget with future increases subject to budget approval.

CONCLUSION:

The JFCC presently has a substantial investment in training and technology based on Infor Public Sector, Inc. EnRoute CAD software. The City will require two to three years to review and evaluate system options before a decision is made to continue with current vendor or move forward with acquiring and implementing a new Fire CAD system.

It is recommended that the City renew the contract with Infor Public Sector, Inc. for a further five years for 2015 through 2019 plus two optional years for 2020 through 2021 on a single source basis for delivery of the EnRoute Fire CAD system and associated maintenance and support along with consulting services.

ATTACHMENTS:

Appendix 1: Infor Public Sector, Inc. – Statement of Work



Gary Kent

Commissioner of Corporate Services and Chief Financial Officer

*Prepared By: Shawn Slack, Director Information Technology
and Chief Information Officer*

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Infor Public Sector, Inc. - Statement of Work

The following outlines the pricing negotiated and agreed to with Infor Public Sector, Inc. by staff from Material Management, Legal Services, Fire & Emergency Services and Information Technology.

Contract Renewal for Procurement FA.49.439-14:

Maintenance and Support:

Infor Public Sector, Inc. will commit to maintenance and support cost for 5 years at 5% increase per year from beginning of contract date 2015-01-01 through 2019. The annual maintenance fee for the optional year 2020 and 2021 will be subject to successive increases on an annual basis, not to exceed the Annual Escalation Cap, which is 6%.

Year (5% annual increase)	Total (US\$)	City Share (US\$) Based on 2015 estimated at 55.4%
2015	147,721.59	81,837.18
2016	155,118.05	85,935.39
2017	162,868.95	90,229.39
2018	171,007.40	94,738.09
2019	179,552.77	99,472.23
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Sub-Total	1,208,340.17	669,420.44
Professional Services including, Training, Project Management, Onsite Setup, Software Modifications	200,000.00	110,800.00
Total	1,408,340.17	780,220.44

Additional Software License:

Infor Public Sector, Inc. will not commit to fixed pricing for additional software licenses during the contract term. Therefore any additional units or applications added will be subject to negotiation at the time of purchase.



Corporate Report

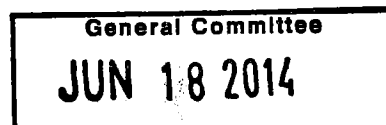
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7.

DATE: June 4, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014



FROM: Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

SUBJECT: **Contract Renewals for CCG Systems, Inc. (Faster Fleet Management) – FA.49.355-14, HLP, Inc. (Chameleon, Animal Licenses) – FA.49-381-14 and Enghouse Transportation (Interactive Voice Response to Hastus System) – FA.49-382-14**

- RECOMMENDATION:**
1. That the Purchasing Agent be authorized to execute the necessary agreements for the period of April 1, 2015 to March 31, 2019 with CCG Systems, Inc. for the supply of Faster software maintenance and support at an estimated cost of \$236,335 US exclusive of taxes, based on a four year contract term.
 2. That the Purchasing Agent be authorized to execute the necessary agreements for the period of November 1, 2014 to October 31, 2019 with HLP, Inc. for the supply of Chameleon software maintenance and support at an estimated cost of \$120,000 exclusive of taxes, based on a five year contract term.
 3. That the Purchasing Agent be authorized to execute the necessary agreements for the period of August 1, 2014 to July 31, 2019 with Enghouse Transportation for the supply of Busline IVR software maintenance and support at an estimated cost of \$116,330 exclusive of taxes, based on a five year contract term.

4. That the Purchasing Agent be authorized to issue contract amendments to increase the value of the contracts where necessary to accommodate growth by adding license with maintenance and support where funding is approved in the Budget.
5. That CCG Systems, Inc. (Faster Fleet Management), HLP, Inc. (Chameleon, Animal Licenses) and Enghouse Transportation (IVR to Hastus) continue to be designated a "City Standard" until replacement system has been acquired and implemented.

**REPORT
HIGHLIGHTS:**

- IT worked with Materiel Management to form a new strategy to firm up maintenance contracts for a longer term to avoid cost increases and meet the City's cost reduction objectives.
- The City Business Leads confirmed that the listed IT system/applications will be required by the City for a longer term as they meet the City's business needs and are integral to the delivery of services.
- These term contracts for IT system maintenance and support need Council approval per purchasing By-law 374-06 Schedule B for High Value Non-competitive purchase(s) over \$100,000.

BACKGROUND:

The following three systems are key to the operations of the Transportation & Works Department:

1. CCG Systems, Inc. (Faster Fleet Management)
2. HLP, Inc. (Chameleon, Animal Licenses)
3. Enghouse Transportation (IVR to Hastus System)

The systems have been maintained and kept current to meet the objectives of the business. There is an opportunity to renew these and put in place longer term contracts to provide some certainty for business operations.

In 2003, the City procured the CCG Systems, Inc. (Faster Fleet Management) system through a competitive bid process under FA.49.014-02. The system was implemented in 2005, with a five year

maintenance plan till 2008. Contract System maintenance was renewed each year starting in 2009 with annual increases of 3% per year until 2013.

In 1994, the City procured the HLP, Inc. (Chameleon, Animal Licenses) system to manage animal licensing in the Animal Services business area. The City started with one server plus three workstation licenses and subsequently upgraded to six workstations, nine workstations and then in 2012 upgraded to one server with unlimited workstations and more than 25 field services licences. This reflected the best value for the City to meet its business requirements.

The Enghouse Transportation (IVR to Hastus) application was originally procured from Ontira Communications Inc. through the RFP process in 2007 under FA.49.159-07. The application was implemented in 2009 and started paying maintenance in 2010 till present, with a 5% increase each year. Through amalgamation, the vendor name changed to Enghouse Transportation in 2012.

COMMENTS:

After discussions with area leads in each of the business groups, staff are confident that the CCG Systems, Inc., HLP, Inc. and Enghouse Transportation systems can meet their business needs into the future. The purchasing strategy to renew maintenance contracts with the vendors will result in no increase on current maintenance rates with HLP, Inc., will introduce cost savings of \$22,139 U.S. with CCG Systems, Inc. and a modest cost avoidance of \$7,094 in operating budget for Enghouse Transportation.

FINANCIAL IMPACT: CCG Systems, Inc. (Faster Fleet Management) Application

The normal annual renewal on maintenance for five years is \$258,474 U.S. The new negotiated four year renewal contract plus 2014 maintenance previously paid under the Council approved "City

Standard" authority is \$236,335 U.S. Cost avoidance/cost savings is \$22,139 U.S.

HLP, Inc. (Chameleon, Animal Licenses) Application

The normal annual renewal on maintenance for five years is \$120,000 U.S. or more subject to yearly invoicing. The new negotiated five year renewal contract is \$120,000 U.S. with no increase.

Enghouse Transportation (IVR to Hastus) Application

The normal annual renewal on maintenance for five years is \$123,424 CDN for five years. The new negotiated five year renewal contract is \$116,330 CDN. Cost avoidance/cost savings is \$7,094 CDN.

CONCLUSION:

It is recommended that the existing maintenance contracts for CCG Systems, Inc., HLP, Inc. and Enghouse Transportation be renewed as per the above listed cost outline.

ATTACHMENTS:

Appendix 1: Summary of Statement of Work



Gary Kent

Commissioner of Corporate Services and Chief Financial Officer

*Prepared By: Shawn Slack, Director Information Technology
and Chief Information Officer*

Summary of Statement of Work

The following represents the key deliverables from each of the three vendors.

1. CCG Systems, Inc. – Ongoing annual maintenance and support for Faster Fleet Maintenance Software Site License:

a) Faster Support – 4/1/2015 – 3/31/2016	\$ 47,267.00
b) Faster Support – 4/1/2016 – 3/31/2017	\$ 47,267.00
c) Faster Support – 4/1/2017 – 3/31/2018	\$ 47,267.00
d) Faster Support – 4/1/2018 – 3/31/2019	<u>\$ 47,267.00</u>
Total:	\$ 189,068.00

There are no maintenance cost increases through to March 31, 2019.

2. HLP, Inc. – Ongoing annual maintenance and support for Chameleon:

- Limited to one server, unlimited workstations and unlimited field service units.
- Chameleon Public Access License.
- ChamCam imaging included with any licensed Chameleon workstation.

a) Chameleon/CMS Annual Support & Maintenance – 11/1/2014 – 10/31/2015	\$ 24,000.00
b) Chameleon/CMS Annual Support & Maintenance – 11/1/2015 – 10/31/2016	\$ 24,000.00
c) Chameleon/CMS Annual Support & Maintenance – 11/1/2016 – 10/31/2017	\$ 24,000.00
d) Chameleon/CMS Annual Support & Maintenance – 11/1/2017 – 10/31/2018	\$ 24,000.00
e) Chameleon/CMS Annual Support & Maintenance – 11/1/2018 – 10/30/2019	<u>\$ 24,000.00</u>
Total:	\$120,000.00

There are no maintenance cost increases through to October 31, 2018

3. Enghouse Transportation – Ongoing annual maintenance and support for Busline IVR:

a) Busline IVR Maintenance & Support – 8/1/2014 – 7/31/2015	\$ 21,911.00
b) Busline IVR Maintenance & Support – 8/1/2015 – 7/31/2016	\$ 22,569.00
c) Busline IVR Maintenance & Support – 8/1/2016 – 7/31/2017	\$ 23,246.00
d) Busline IVR Maintenance & Support – 8/1/2017 – 7/31/2018	\$ 23,943.00
e) Busline IVR Maintenance & Support – 8/1/2018 – 7/31/2019	<u>\$ 24,661.00</u>
Total:	\$ 116,330.00

Fixed maintenance cost increase of 3% per year.



Corporate Report

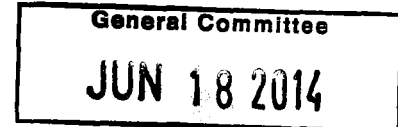
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8.

DATE: June 5, 2014

TO: Chair and Members of General Committee
Meeting Date: June 18, 2014



FROM: Janice M. Baker, FCPA, FCA
City Manager and Chief Administrative Officer

SUBJECT: **Corporate Policy – Staff Procedure for Handling Frivolous and Vexatious Complaints**

RECOMMENDATION: That the draft Corporate policy outlined in the report from the City Manager and Chief Administrative Officer, dated June 5, 2014 and entitled "Staff Procedure for Handling Frivolous and Vexatious Complaints" be approved.

**REPORT
HIGHLIGHTS:**

- Investigating and responding to frivolous and vexatious complaints consumes a disproportionate amount of City time and resources and impedes staff's ability to attend to other essential issues.
- The City of Mississauga does not presently have a Corporate policy for the handling of frivolous and vexatious complaints.
- This report presents a draft Corporate policy which outlines a procedure for handling frivolous and vexatious complaints to minimize the inefficient use of City resources while still maintaining a high level of customer service and responsiveness to City taxpayers.
- A municipal review was undertaken. The following municipalities address the issue of frivolous and vexatious complaints in some manner: Oakville, Ottawa, Calgary, Callander and Los Angeles.

BACKGROUND:

Staff respond to all complaints subject to the complainants identifying themselves and providing their contact information. In doing so, there are times when complaints are frivolous and vexatious. Investigating and responding to frivolous and vexatious complaints consumes a disproportionate amount of City time and resources and impedes staff's ability to attend to other essential issues.

It is important that City resources be used effectively and efficiently at all times. Notwithstanding the requirement that City taxpayers are entitled to a high level of responsiveness and customer service from their municipal government for their tax dollar, the demands of complainants who file frivolous and vexatious complaints are unreasonable and staff's attention to these matters is a poor use of City resources.

As a result, this report presents a draft Corporate policy which outlines a procedure for handling frivolous and vexatious complaints to minimize the inefficient use of City resources while still maintaining a high level of customer service and responsiveness to City taxpayers.

PRESENT STATUS:

The City of Mississauga does not presently have a Corporate policy for the handling of frivolous and vexatious complaints.

COMMENTS:Policy Overview:

A copy of the proposed Corporate policy is attached as Appendix 1.

The following items are highlighted from the attached draft Corporate policy:

- This policy establishes a process to be used by all City staff when handling frivolous and vexatious complaints.
- The staff process for handling frivolous and vexatious complaints applies to complaints or expressions of concern related to by-laws, policies, procedures and rules or regulations initiated through any avenue available to the public for submitting complaints to the City. The policy does not apply to complaints

about City staff or elected officials, as such complaints will be dealt with under the Corporate Policy No. 01-03-09 Public Complaints Procedure and the Councillor's Code of Conduct as applicable.

- For the purpose of the policy, frivolous and vexatious means the complaint is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaints process. The policy provides in depth examples of what constitutes a pattern of conduct. (Please refer to page two of the policy).
- Responsibility for determining if a complaint is frivolous and vexatious rests with Directors. Appropriate documentation must be maintained to establish that the complaint is frivolous and vexatious. It is anticipated that Directors may contact other City Directors and consult with their Commissioner.
- The policy provides a number of actions available to Directors to restrict the complainant's impact on staff. These actions may be put in place by the Director following the issuance of a warning letter to the complainant and the continued behaviour of the complainant in filing frivolous and vexatious complaints.
- Directors are to advise their Commissioner when restrictions (in accordance with the policy) are placed on complainants. Commissioners will advise the Leadership Team, Mayor and appropriate ward councillor(s) of the action the City has taken and the reasons for it.
- The Corporate Policy No. 01-07-01 Workplace Violence should be consulted if the complainant's behavior threatens the safety or security of staff.

Complaints on a separate/new issue from a person who has come under this policy will be treated on their individual merits.

Municipal Review:

A municipal review was performed and included the following municipalities: Oakville, Ottawa, Toronto, Calgary, Vancouver, Callander, Chicago, New York and Los Angeles. Of the municipalities consulted, the following address the issue of frivolous and vexatious complaints in some manner as noted below:

Oakville:

If someone is found to be a constant complainer, service will be denied based on clear justification. There is no formal policy or procedure in place, only general guidelines.

Ottawa:

For repeated callers and unfounded complaints, the City of Ottawa places a flag on the address in their system. They advise the caller that, as a result of numerous unfounded complaints, the City will not be responding.

Calgary:

There is no formal policy or procedure in place. Frivolous complaints are dealt with on a case-by-case basis. The 3-1-1 call centre takes all requests for service. Once the service area receives the complaint, they would identify the problem complainant and advise management accordingly. A letter would be sent to the chronic complainer advising that they require grounded evidence (i.e. documentation, video file or an independent witness) to corroborate the complaint as being a real offence before any action would be taken. Unless grounded evidence is provided, the file is closed without any contact with the property/person that is the subject of the complaint.

Callander:

The municipality requires that all complainants sign off on a property standards complaint form which eliminates frivolous and vexatious complaints; otherwise, a monetary penalty is levied on the complainant. An excerpt from the subject form is noted below:

"I, the undersigned, request that the property listed above be inspected by the Property Standards Officer(s) of the Municipality of Callander and to take whatever actions necessary. I, the undersigned agree that if the Property Standards Officer(s), upon inspection of the property above, determine(s) that this complaint is frivolous and vexatious in manner and/or the conditions are so minor as not to constitute any action, I agree to pay a fee of \$150.00 as an inspection fee. I, the undersigned, also agree and understand that if the complaint is valid and does constitute action any fees to be paid in relation to this complaint will be paid by the owner of the property."

Los Angeles:

There is no formal policy or procedure in place. If it is determined that staff are dealing with a chronic complainer, they would put a note on the file and provide information and advice to management who would make the final decision. Oftentimes management have simply stopped accepting complaints from an identified chronic complainer.

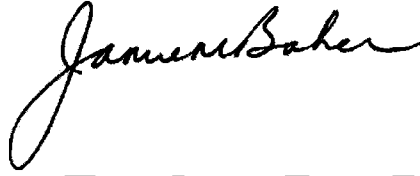
FINANCIAL IMPACT: Although there is no financial impact to the City, adoption of this Corporate policy may result in a more effective and efficient use of staff resources as less time may be spent by staff investigating and responding to complaints of a frivolous and vexatious nature.

CONCLUSION: City resources are limited. It is important that City resources be used effectively and efficiently at all times. Although taxpayers are entitled to a high level of customer service and responsiveness from their municipal government, it is not reasonable for a taxpayer to expect service in response to their filing of frivolous and vexatious complaints. Moreover, staff's investigation and response to frivolous and vexatious complaints is not an effective use of City resources.

As a result, it is recommended that the draft Corporate policy entitled "Staff Procedure for Handling Frivolous and Vexatious Complaints" attached to this report as Appendix 1 be approved.

ATTACHMENTS:

Appendix 1: Draft Corporate policy "Staff Procedure for Handling Frivolous and Vexatious Complaints."



Janice M. Baker, FCPA, FCA
City Manager and Chief Administrative Officer

Prepared By: Mickey Frost, Director of Enforcement

Corporate Policy and Procedure



APPENDIX I ^{8f}

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TAB: CORPORATE ADMINISTRATION
SECTION: PROVISION OF CITY SERVICES
SUBJECT: STAFF PROCEDURE FOR HANDLING FRIVOLOUS AND VEXATIOUS COMPLAINTS

POLICY STATEMENT The City of Mississauga, in accordance with its values of trust, quality and excellence, seeks to provide exemplary service to all members of the public and resolve complaints in a timely manner.

PURPOSE Complaints which are Frivolous and Vexatious consume a disproportionate amount of City time and resources and impede staff from attending to other essential issues. This policy establishes the process to be used by all City staff when handling Frivolous and Vexatious complaints.

SCOPE The staff process for the handling of Frivolous and Vexatious complaints applies to complaints or expressions of concern related to by-laws, policies, procedures, and rules or regulations initiated through any avenue available to the public for submitting complaints to the City, with the exception of the exclusions noted below.

Exclusions This policy does not apply to complaints about City staff. For complaints related to City staff refer to the applicable Corporate Policy and Procedure – Human Resources – “Public Complaints Procedure” or “Code of Conduct and Complaint Procedure for Security Staff”.

Complaints involving elected officials should be forwarded to the Integrity Commissioner, appointed under the *Council Code of Conduct*.

Related Policies The City of Mississauga is committed to ensuring a climate of

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Corporate Policy and Procedure



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understanding and mutual respect and to providing a safe workplace, free from any form of discrimination, harassment, bullying or actual, attempted or threatened violence. Corporate Policy and Procedure – Human Resources – Respectful Workplace and Corporate Policy and Procedure – Human Resources – Workplace Violence detail the steps available to the City to ensure that a respectful and safe workplace is restored and maintained.

ACCOUNTABILITY

Directors and managers/supervisors are responsible for ensuring that relevant staff are aware of and trained on this policy and any accompanying guidelines and protocols.

DEFINITIONS

Frivolous or Vexatious

For the purpose of this policy:

“Frivolous or Vexatious” means the complaint is initiated with the intent to embarrass or annoy the recipient, or is part of a pattern of conduct by the complainant that amounts to an abuse of the complaints process.

WHAT CONSTITUTES A PATTERN OF CONDUCT

A “pattern of conduct” occurs when, on three or more occasions, a complainant engages in one or more of the following:

- brings complaints concerning an issue which staff have already investigated and determined to be groundless; or brings complaints concerning an issue which is substantially similar to an issue which staff have already investigated and determined to be groundless (e.g. with respect to the same neighbour or same property); or
- engages in unreasonable conduct which is abusive of the complaints process, including, but not limited to:
 - harassing, verbally abusing or otherwise seeking to intimidate staff dealing with their complaint, in violation of the City’s Respectful Workplace Statement of Commitment and/or Corporate Policies and Procedures Respectful Workplace and Workplace

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Violence

- making excessive or multiple lines of enquiry regarding the same issue (e.g. pursuing a complaint with staff in multiple City departments and/or an elected official simultaneously) while their complaint is in the process of being investigated
- repeatedly challenging the findings of a complaint investigation, complaining about the outcome and/or denying that an adequate response has been given
- refusing to accept that an issue falls outside the scope of the City's jurisdiction
- making unreasonable demands on staff by, for example, insisting on responses to complaints and enquiries within an unreasonable time-frame
- making statements or providing representations that the complainant knows or ought to know are incorrect, or persuading others to do so
- demanding special treatment from staff by, for example, not following the normal chain of command and immediately demanding to speak to a manager or supervisor
- using new complaints to resurrect issues which were investigated and completed in previous complaints
- changing the basis of the complaint as the investigation progresses and/or denying statements he/she made at an earlier stage

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- refusing to co-operate with the investigation process while still wanting their complaint to be resolved, and
- failing to clearly identify the precise issues of the complaint, despite reasonable efforts of staff to help them clarify their concerns.

COMPLAINT PROCEDURE

Response Time

Issues of an urgent nature should be responded to within a reasonable time frame, as communicated to the complainant. Non-urgent complaints should be responded to within 10 business days. Where the nature of the complaint requires a longer time for investigation and response, the complainant should be advised of the anticipated timeframe as soon as practicable.

Employee Responsibility

Staff must establish, through the documented words and/or actions of a complainant (e.g. emails, letters and staff notes reporting a conversation or incident), that the complaint is Frivolous or Vexatious before applying the processes outlined in this policy.

If an employee believes that a complaint is Frivolous or Vexatious, the employee should consult with their manager/supervisor, provide any supporting materials (e.g. emails received from the complainant) and advise the manager/supervisor of the steps that have been taken to resolve the issue, including:

- the length of time that staff have been in contact with the complainant and the amount of correspondence that has been exchanged with the complainant;
- the number of complaints that the complainant has brought and the status of each; and
- the nature of the complainant's behaviour.

Note: Employees may choose to contact their manager/supervisor prior to a pattern of conduct being established (i.e. the behaviour has occurred on less than three

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occasions) if the complainant's behaviour is extreme.

Manager/Supervisor Responsibility

Managers/supervisors are responsible for reviewing the information provided by staff and determining if the complainant's behaviour should be escalated to the appropriate director(s).

Before escalating to the director(s) the manager/supervisor must be satisfied that:

- the complaint has been properly investigated;
- communication with the complainant has been adequate; and
- the complainant is not attempting to provide any significant new information when contacting staff.

Director Responsibility

Directors are responsible for reviewing the information provided by the manager/supervisor in a timely manner. Directors may contact other City directors to determine if the complainant is contacting multiple City staff/departments.

If, after reviewing the circumstances, the director determines that action under this policy should be taken, he or she will determine the appropriate action(s) in accordance with this policy. A warning letter will be sent to the complainant indicating that the actions outlined in the letter will be put into effect if the complaints of a Frivolous or Vexatious nature continue. If the complaint includes multiple issues, the letter may also outline the priority assigned to resolving and responding to the complaints.

Types of Action to Restrict Complainant Impact on Staff

Actions available to directors under this policy may include, but are not limited to:

- limiting the complainant's correspondence with staff to a particular format (e.g. email only), time (e.g. telephone calls only at specific times and days of the week) or duration (e.g. conversations may last no longer than ten minutes);

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- limiting the complainant to a particular point of contact at the City (where possible, other staff members should be advised not to respond to the complainant, but to refer them to the point of contact);
- requiring any face-to-face interactions between the complainant and staff to take place in the presence of an appropriate witness;
- requiring that complainants produce full disclosure of documentation or information before staff will further investigate a complaint;
- instructing staff not to respond to further correspondence from the complainant regarding the complaint or a substantially similar issue;
- instructing staff not to investigate any complaints regarding an issue that has already been investigated, or which is substantially similar to an issue which has already been investigated; and/or,
- in extreme circumstances, instructing staff to severely reduce or completely cease responses to further complaints and correspondence from the complainant.

If deemed appropriate, the director may set up a face to face meeting with the complainant and relevant staff (if applicable) in order to identify any misunderstandings and attempt to resolve the issue.

PROCEDURE IF FRIVOLOUS AND VEXATIOUS COMPLAINTS CONTINUE

If a complainant disregards the warning letter and continues to submit complaints deemed to be Frivolous and Vexatious, the director will advise their commissioner or his/her delegate that

Corporate Policy and Procedure



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the actions outlined in the warning letter will take effect immediately.

The commissioner will advise the Leadership Team (commissioners and City Manager), the Mayor and the appropriate ward councillor(s) of the action the City has taken and the reasons for it.

Extreme Behaviour

Corporate Policy and Procedure – Workplace Violence should be consulted if a complainant's behaviour threatens the safety or security of staff.

New Complaints

Complaints on a separate/new issue from a person who has come under this policy will be treated on their individual merits. The applicable commissioner, in consultation with the relevant director(s), will decide if any restrictions which are currently in effect should be applied to the new complaint.

MAINTAINING DETAILED RECORDS

Staff are responsible for maintaining detailed records of their interactions with complainants (emails, notes of telephone conversations and notes of in-person discussions) in order to justify any action being taken to restrict the complainant's access to City staff. Records must be retained in accordance with the Records Retention By-law 537-96, as amended.

REFERENCE:

LAST REVIEW DATE:

CONTACT:

For additional information contact the applicable divisional director.

REPORT 4-2014

General Committee

JUN 18 2014

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Environmental Advisory Committee presents its fourth report for 2014 and recommends:

EAC-0019-2014

That the PowerPoint Presentation entitled *Partners for Climate Protection Award* by Julius Lindsay, Community Energy Specialist, Environment Division, and Rajan Balchandani, Manager, Energy Management, Facilities and Property Management to the Environmental Advisory Committee on June 10, 2014, be received for information.

(EAC-0019-2014)

EAC-0020-2014

- A. That the PowerPoint Presentation entitled *5 Year Energy Management Plan (2014-2019)* by Rajan Balchandani, Manager, Energy Management, Facilities and Property Management, and Daryl Martin, Energy Management Co-ordinator, Facilities and Property Management, on June 10, 2014, be received; and
- B. That the Corporate Report titled *5 Year Energy Management Plan (2014-2019)* from the Commissioner of Corporate Services dated June 2, 2014, be received.

(EAC-0020-2014)

EAC-0021-2014

That the Memorandum dated May 28, 2014 entitled *Enbridge Line 9B Reversal and Capacity Expansion Pipeline Project (the "Project")* from Annie Thuan, Legal Counsel, Environmental Law, Legal Services Division, be received for information.

(EAC-0021-2014)

EAC-0022-2014

That the Pending and Upcoming Agenda Items Chart from Brenda Osborne, Director, Environment Division dated June 10, 2014, be received.

(EAC-0022-2014)

EAC-0023-2014

That the Letter dated May 30, 2014 to Mayor and Council from The Clean Air Partnership thanking and recognizing the City of Mississauga for its contribution in forwarding the development, implementation, monitoring and reporting of the GTHA Clean Air Council Declaration on Clean Air and Climate Change actions and targets, be received for information.

(EAC-0023-2014)

TOWING INDUSTRY ADVISORY COMMITTEE

June 10, 2014

REPORT 4 - 2014

General Committee

JUN 18 2014

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Towing Industry Advisory Committee presents its fourth report for 2014 and recommends:

TIAC-0011-2014

That the matter of a by-law to prohibit solicitation at an accident scene for all non-tow truck related persons be deferred to a future Towing Industry Advisory Committee meeting.

(TIAC-0011-2014)

TIAC-0012-2014

That the matter of a by-law to amend the Tow Truck Licensing By-law 521-04, as amended, effective January 1, 2015, to include a two tier tow truck licensing system, more specifically "General Towing for Hire" and "Contract Towing Not for Hire" be deferred to a future Towing Industry Advisory Committee meeting.

(TIAC-0012-2014)

TIAC-0013-2014

That the action list of the Towing Industry Advisory Committee meeting held on June 10, 2014 provided to the Committee to update on the status of initiatives raised at prior meetings be received.

(TIAC-0013-2014)