The Public Legal Information Association of NL (PLIAN) is a non-profit organization dedicated to educating the public throughout Newfoundland and Labrador about the law. We provide public legal education and information services with the intent of increasing access to justice.

This brochure focuses on animal rights. Unfortunately, cases of animal abuse and neglect do occur in Newfoundland and Labrador, as well as in the rest of Canada. Many sad tales of animals suffering miserable conditions and mistreatment have been reported in the media and by animal shelters around the province. Laws relating to animal welfare exist on the municipal, provincial, and federal levels. However, many people may not be fully aware of these laws. We hope to raise awareness of the existing legislation and educate our readers about this topic.

Thank you to our readers for their interest in this topic and for their continued support of PLIAN. Thank you in particular to our Pro Bono student, Ryan Belbin, for his excellent work in researching and preparing this informative brochure.

Executive Director
In 2010, the House of Assembly of Newfoundland and Labrador passed the revised *Animal Health and Protections Act*, which applies all across the province, except for some limitations on Labrador Inuit communities. This law aims to protect animals against cruelty and assist those in distress by extensively outlining acts that are prohibited. Consequences for violating the law could be as severe as imprisonment for up to six months or fines of up to $50,000.

The general responsibility of the owner is to ensure an animal in his or her control is not in distress. This means providing proper care, water, food, and shelter; tending to sickness, injuries, and pain; and preventing unnecessary hardship, privation, abuse, or neglect. Other provisions include:

- It is the owner that is liable for any damage an animal makes to a person, other animals, goods, or property (s.34).
- You cannot use an animal for fighting, or allow one to be used for that purpose (s. 20).
- You cannot personally confine or permit an animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation (s. 22). In no circumstances are animals to be confined in trunks, not including vans, SUVs, and hatchbacks (s. 23).
- If dogs are not safely penned or tethered, they must be on a leash or being used for lawful hunting or working with sheep (s. 32).
- Choke collars and ropes tied directly around animals' necks are not permitted (s. 24).

Unlike provincial and federal laws, which are geared towards protecting animals from cruel treatment, municipal bylaws mainly relate to animal control. As the specific bylaws vary from municipality to municipality, you will need to get in contact with your town office or visit the town’s website to find the particular bylaws that apply to you. Generally, municipal bylaws dealing with animals include regulations about:

- Maintaining a system for impounding animals seen as strays or violating bylaw regulations.
- Animal licensing systems, with fees and tag registry.
- Limiting the number of animals a citizen has.
- Restricting animals from entering some public areas, such as shopping centres.
- Barking, howling, meowing, or any other excessive noise made by pets.
- Owners’ responsibility to clean up their pet's waste.

MUNICIPAL LAWS

PROVINCIAL LAWS
PROVINCIAL LAWS (continued)

Inspectors (which include RNC and RCMP officers) who reasonably believe there is an animal in distress have the authority to assess the situation and, if necessary, take the animal into protective custody (s. 13). The owner may be liable for any expenses related to transportation, food, care, shelter, or veterinary treatment (s. 15).

The Animal Health and Protections Act does not have specific provisions for wild animals, which come under the Wild Life Regulations under the Wild Life Act. Anyone in possession of a live wild animal is obligated to apply in writing to the Minister of Environment and Conservation for a permit immediately (s. 82).

According to the Highway Traffic Act, failure to exercise reasonable caution when approaching an animal on a public road or highway could make you liable for a fine up to $180 (s. 139).

These provisions are not exhaustive. For more information, the complete Animal Health and Protections Act can be found online: http://www.assembly.nl.ca/legislation/sr/statutes/a09-1.htm#22. For the Wild Life Regulations, visit: http://www.assembly.nl.ca/Legislation/sr/Regulations/rc961156.htm#82

CRIMINAL LAW

The Criminal Code of Canada is a federal source of law that includes provisions for the protection of animals. The main sections involving animal welfare are ss. 444 to 447, and offenders could be sentenced to imprisonment for up to five years, fines of up to $10,000, and restriction from owning (or living in the same house as) an animal (including birds). Some of the provisions are similar to the Animal Health and Protections Act:

- It is illegal to kill, injure, or endanger an animal kept for lawful purposes (ss. 444-445)
- It is illegal to cause unnecessary suffering to any animal (s. 445.1)
- It is illegal to cause damage or injury to an animal, either by neglect, abandonment, or failing to provide adequate care (s. 446)
- It is illegal to keep a cockpit, whether or not it is used for cockfighting (s. 447)
- It is illegal to utter threats to kill, poison, or injure an animal or bird belonging to anyone (s. 264.1)
QUESTIONS AND ANSWERS

Q: I just adopted an animal that was not spayed or neutered from an agency. What do I do?

A: There are exceptions, but it is standard practice that anybody adopting a cat or dog from an official agency such as the SPCA will sign a form agreeing to spay or neuter it within a specified time frame. These surgeries take place at veterinary clinics, and based on financial need, you may qualify for assistance from the SPCA or from Humane Services of St. John’s.

Q: Besides spaying/neutering, are there any other standard provisions on adoption contracts?

A: This depends on the adoption agency, but sometimes you must agree to refrain from using a dog as a hunting or guard dog, or a cat as a mouser. In addition, you may have to agree to keep the animal as a house pet (rather than outside for long periods).

Q: I answered a “Free to a Good Home” ad on Kijiji – what are my responsibilities?

A: Aside from complying with all municipal, provincial, and federal laws for ensuring the animal’s care and well-being, you must contact your municipality as soon as possible to licence your new pet. An essential element of providing proper care should include an initial veterinary checkup, which may lead to periodic vaccinations and spaying/neutering.

Q: My animal is sick. What should I do?

A: While your pet may not need emergency veterinary treatment, you should contact your vet and describe the symptoms if there is any doubt. Remember, you are liable for negligence or abuse.

Q: What are my responsibilities if I hit an animal with my vehicle or bike?

A: Under the Animal Health and Protections Act, you must, where possible, stop and provide the care and attention to the animal that is necessary to relieve its pain and help its recovery. If the animal is killed, you must notify the police immediately.

Q: My neighbour's dog is a major nuisance. Is there anything I can do?

A: Absolutely – but it depends what they’re doing. Excessive howling at night or leaving waste on your property are municipal concerns, and if you need to contact a third party, it should be the town office. If, however, the animal is creating a hazard, such as impeding traffic or trespassing onto enclosed land, this is a violation of the Animal Health and Protection Act, and police action may be required. Remember, of course, that as an animal owner you have these same obligations.

Q: My dog bit someone. What will happen?

A: If your dog bites someone, you could potentially face penalties under the Animal Health and Protection Act, but you may also be sued in civil court. It is best to consult with a lawyer to find out the potential consequences for your specific situation.

Q: I think my neighbours are mistreating their animal. What should I do?

A: Although it may eventually become a matter for police, you should begin by contacting the local SPCA. Relevant contact information is in the next section.
ADOPTION AND RESCUE CENTRES

Whether you're interested in adopting or just have questions, the following contacts may be useful:

St. John's SPCA
(709) 726-0301
www.spcastjohns.org

Clarenville SPCA
(709) 466-3489
www.clarenvilleareaspca.ca

Burin SPCA
(709) 891-8000
www.burinspca.com

Gander SPCA
(709) 651-3002
www.envision.ca/webs/ganderandareaspca

Exploits Valley SPCA
(709) 489-3604
www.envision.ca/webs/exploitsvalleyspca

Newfoundland West SPCA
(709) 785-2747
www.nlwestspca.com

Happy Valley-Goose Bay SPCA
(709) 896-7387
www.petfinder.com/shelters/nf02.html

Corner Brook Scaredy Cat Rescue
www.scaredycatrescue.com

Beagle Paws (St. John's)
(709) 738-7297
www.beaglepaws.com

Heavenly Creatures (St. John's)
(709) 739-0077
www.heavenlycreatures.ca

Greyhound Pets of Atlantic Canada (NL Branch)
(709) 747-7387
www.gpac-nl.com

Bird and Small Animal Rescue (Lethbridge)
(709) 467-4301
www.birdandsmallanimalrescue.com

Humane Services (St. John's)
(709) 754-2489
www.petfinder.com/shelters/nf01.html
CONTACT PLIAN

Suite 227, 31 Peet Street
Tara Place, St. John’s, NL
A1B 3W8

Phone: 709-722-2643 (9am-12pm, Monday-Friday)
Toll-Free: 1.888.770.6688 (9am-12pm, Monday-Friday)
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