



memorandum

DATE: AUGUST 27, 2014

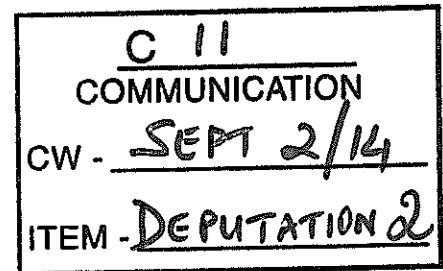
TO: MAYOR AND MEMBERS OF COUNCIL

FROM: MARYLEE FARRUGIA
COMMISSIONER OF LEGAL &
ADMINISTRATIVE SERVICES/CITY SOLICITOR

GUS MICHAELS
DIRECTOR OF BY-LAW COMPLIANCE

RE: COMMUNICATION – DEPUTATION – SEPTEMBER 2, 2014

DEPUTATION #2, COMMITTEE OF THE WHOLE
REQUEST FOR AN AMENDMENT TO BY-LAW 53-2002



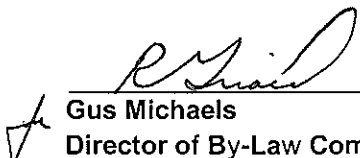
The deputant has been charged with keeping exotic animals contrary to Part 11(1) of Animal Care and Control By-law 53-2002, as amended (hereinafter the "By-law"). The charges are currently before the Courts, and the next appearance is scheduled for September 24, 2014. We are advised by the prosecutor that that charges have been adjourned to this date so as to give the deputant an opportunity to seek an exemption under the By-law.

The keeping of exotic animals, such as the alligators and lemurs owned by the deputant, are prohibited by the By-law, save and except for some very limited exceptions found in Part 11(3). The purpose of the prohibition is two-fold: to protect members of the public due to the inherent danger of these animals, and the protection of the animals themselves as these animals require special care and enclosures that the general public is likely not willing or able to provide. The exceptions in the By-law ensure that this dual purpose is not compromised, as the enumerated organizations including the premises of the OSPCA or research facilities governed by the *Animals for Research Act*, or circumstances ensure that the exotic animals are handled by those who have significant demonstrated expertise and experience.

While the charitable initiatives of the deputant are laudable, we are not satisfied that the deputant possesses this requisite expertise and experience. Even if he could demonstrate experience and expertise, this request is contrary to the current trend across the Province to further restrict exotic pet ownership. The provincial government is currently reviewing exotic pet ownership laws with a view to a possible province wide regulation. The genesis of this review was the tragic deaths of a 4 and 6 year old caused by python in New Brunswick in August 2013. In light of the foregoing, we cannot support the deputant's request to amend the By-law.



MaryLee Farrugia
Commissioner of Legal & Administrative
Services/City Solicitor



Gus Michaels
Director of By-Law Compliance

Copy to: Barb Cribbett
Interim City Manager

Chris Bendick
Legal Counsel