

Proposed Regulations Related to Service, Appeal and Animal Forfeiture Time Periods and Contact Information under the *Provincial Animal Welfare Services Act, 2019* (PAWS Act)

On June 8, 2023, the *Strengthening Safety and Modernizing Justice Act, 2023*, received Royal Assent. The Act makes key legislative amendments to the *Provincial Animal Welfare Services Act, 2019* (PAWS Act) related to improving cost recovery for Animal Welfare Services (AWS), clarifying Animal Care Review Board processes, and narrowing gaps related to AWS inspector authorities to help strengthen protections for animals.

The Ministry of the Solicitor General (the ministry) is now proposing the following Minister's regulations necessary to implement and operationalize some of these amendments in three areas:

- Service of orders, notices, and statements of account by animal welfare inspectors;
- Time periods for owners and custodians to appeal matters to the Animal Care Review Board and corresponding time periods for animal forfeiture; and,
- Contact information to be provided when animal ownership or ongoing custodianship changes and that animal is the subject of an order.

1. Additional Methods of Service and When Service is Effective

[Section 68 of the PAWS Act](#) specifies how animal welfare inspectors may serve specific documents on owners or custodians. These documents include statements of account, orders to relieve animal distress, notices of animal removal, notices of Chief Animal Welfare Inspector decisions to keep an animal in care, and notices of animal euthanasia.

However, existing service methods are limited. Prescribing additional methods of service would help AWS to improve receipt of service by providing greater flexibility, which would ultimately increase operational efficiency and effectiveness. Additionally, clarifying at what point documents are considered to have been served would help reduce ambiguity for both inspectors or owners and custodians.

The ministry is proposing a regulation that would prescribe the following additional methods of service:

- Service by regular mail.
- Service of a document by leaving it on a vehicle in a conspicuous place at the time the animal is removed, in the context of animals removed from vehicles.
- Service of a document on a corporation by leaving a copy with an officer, director, or similar person, or with a person at any place of business of the corporation who appears to be managing the location.
- Where personal service cannot be made, service of a document to another household member by leaving a copy with a person who appears to be at least 18 years of age and a member of the same household.

The regulation would also clarify when all methods of service are deemed to be effective.

2. Additional Time to Initiate an Appeal of an Order, a Removal, a Decision to Keep an Animal in Care, or a Statement of Account and Changes to Corresponding Time Period for Animal Forfeitures

The current time period for appealing orders, animal removals, Chief Animal Welfare Inspector decisions to keep an animal in care, and statements of account (SOAs) to the Animal Care Review Board (ACRB) is set at five business days. This timeframe can be challenging for some animal owners and custodians to meet.

The ministry is proposing to extend the appeal time period from five business days to ten business days. This would provide more time for animal owners and custodians who wish to file an appeal to complete the appropriate forms, provide the necessary details to the ACRB in writing, or retain counsel if they choose to do so.

There would also be a corresponding extension to the time period for forfeiture of an animal to the Chief Animal Welfare Inspector in the event of non-payment of an SOA, from ten business days to fifteen business days. This would better align with the new, proposed ten business day appeal time period and provide animal owners and custodians additional time to either pay an SOA or appeal an SOA before the animal is forfeited to AWS.

3. Contact Information to be Collected When Animal Ownership or Ongoing Custodianship Changes while the Animal is the Subject of an Order

Under the PAWS Act, animal owners and custodians with outstanding [s. 30 orders](#) related to relieving animal distress may transfer ownership or ongoing custody of their animal. When this happens, AWS cannot confirm that the animal welfare issues related to that animal have been addressed.

A regulation prescribing the contact information required to be collected from the new owner or custodian and provided to an animal welfare inspector when animal ownership or ongoing custodianship changes would allow AWS to better track animals in relation to any s. 30 orders that have been issued and ensure they receive required care and treatment, even if ownership/custodianship changes.

The ministry is proposing a regulation that would prescribe the following contact information to be collected and provided to an animal welfare inspector:

- Legal name of the new owner or new custodian with ongoing custody. In addition, in the case of a business, the person's operating or business name, if any.
- Address (home and business, if applicable), and the mailing address, if different from the home or business address.
- Telephone number, if applicable.
- E-mail address, if applicable.