



## **Staff Report for Council Meeting**

**Date of Meeting:** May 27, 2020

**Report Number:** SRCS.20.09

**Department:** Community Services  
**Division:** Community Standards

**Subject:** Amendment of the Kennel Licensing By-law

### **Purpose:**

To amend the Kennel Licensing By-law No. 188-05, as amended.

### **Recommendations:**

- a) That Staff Report SRCS.20.09 be received.
- b) That By-law No. 26-20 (Attachment 1 to staff report SRCS.20.09) be enacted to amend the Kennel Licensing By-law No. 188-05 and Municipal Code Chapter 321 regarding the regulation of kennels within the City of Richmond Hill.

### **Contact Person:**

Tracey Steele, Director of Community Standards, Extension 2476

Chris Goode, Community Standards Policy Officer, Extension 2416

### **Report Approval:**

**Submitted by:** Darlene Joslin, Acting Commissioner of Community Services

**Approved by:** Mary-Anne Dempster, Acting City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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### Background:

The City of Richmond Hill first enacted a by-law to require the licensing of kennels in 1971. The Kennel Licensing By-law (By-law 188-05, as amended; Municipal Code Chapter 321) has been subject to only minor administrative and renewal amendments since its original enactment.

The Kennel Licensing By-law defines a “kennel” as “any building or structure or part thereof or place used for the keeping of dogs where four or more dogs or other animals are kept for breeding, boarding, treatment or for sale.” The Kennel Licensing By-law establishes a licensing regime intended to provide consumer and animal protection (by ensuring suitable conditions for animals being boarded), and protect neighbouring properties against potential nuisances (e.g., noise, odour). The by-law sets out premises requirements, standards for animal care, grounds for refusal to issue or renew a licence, and procedures for the appeal of a licensing decision. The current cost of a new kennel licence as per the 2020 Tariff of Fees is \$110, and the cost to renew an existing kennel licence is \$30 per year.

Richmond Hill has consistently issued kennel licences to the same two kennel facilities, each year for the last five years. There have never been any compliance issues with either of these businesses. In 2019, staff received two complaints regarding businesses allegedly operating kennels in areas not zoned to allow kennels and/or causing noise issues. Neither complaint resulted in a new kennel licence being issued.

One of the two existing licensed kennels in Richmond Hill is Pet Chateau located at 11491 Leslie Street, southeast of the Leslie Street and 19<sup>th</sup> Avenue intersection, within the North Leslie East development area. Pet Chateau is located within the Agricultural (A1) Zone of Zoning By-law 2325-68, which permits kennels. Currently, all of the lands surrounding the Pet Chateau property are also part of the Agricultural Zone.

In early spring of 2018 a draft plan for the Leslie Richmond Developments Ltd. Subdivision (D03-15007) and an associated zoning amendment (D02-15025) were approved by Council to facilitate a condominium townhouse block on the lands adjacent to (north, east and south of) the Pet Chateau property. In 2018, the City also received a site plan application (D06-18031) for the lands adjacent to Pet Chateau. The new residential zoning for the Leslie Richmond Development lands is set to come into effect when the site plan application is approved. Following approval of the site plan and implementation of the zoning, a condominium application will be required.

The Kennel Licensing By-law includes the following setback requirement (which has been in effect since initial enactment of the by-law in 1971):

#### **2.2 Location – distance from property line – minimum**

No part of a kennel shall be constructed or maintained closer than 30.48 metres (100 feet) from the property line of any residence other than that of the operator.

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When the proposed condominium townhouses within the Leslie Richmond Developments Ltd. Subdivision are occupied, Pet Chateau will no longer be in compliance with Section 2.2 of the Kennel Licensing By-law and the kennel would no longer be eligible for a license. The current kennel license for Pet Chateau expires in December 2020.

### Discussion

Pet Chateau has been operating in good standing in the community for seven years. In order to allow it to continue to operate, without need for significant retrofit or renovation, one of the following three options must be implemented:

#### Option #1 – Add a Site-Specific Exemption to the Kennel Licensing By-law

A site specific exemption could be added to the by-law (i.e., via a “notwithstanding” clause) so that the 30.48 metre setback no longer applies to Pet Chateau. The setback would continue to apply to the other existing kennel in the City and to any new kennel operation established in the future. This approach would require a by-law amendment and a licence would continue to be required to operate a kennel in Richmond Hill.

#### Option #2 – Amend the Kennel Licensing By-law

This option would involve amendments to clarify/update by-law definitions and implement changes to refine boundary requirements (including repeal of the Section 2.2 setback requirement). Proposed amendments are presented in the amending by-law included as Attachment 1 to this report. The result of the proposed amendments will be that the two kennels in the City, and any new kennels, would no longer be subject to licensing by-law setback requirements, but would continue to require a licence. This approach treats all kennels equal, relies on zoning restrictions for setback and locational requirements, and provides an opportunity to undertake additional administrative amendments to the by-law to clarify definitions and by-law applicability.

#### Option #3 – Repeal the Kennel Licensing By-law

The entire Kennel Licensing By-law could be repealed. The humane treatment and care aspects of animal keeping are well-covered by the City’s animal keeping by-laws (Municipal Code chapters 304 to 314) and the new *Provincial Animal Welfare Services Act, 2019*. The City of Toronto for instance does not have a Kennel Licensing By-law; in Toronto, kennels are regulated through zoning alone.

Staff recommend Option #2 as it will result in minimal change to the status quo until such time as comprehensive reviews of the City’s licensing program and zoning by-laws can be completed. The Comprehensive Zoning By-law Review is currently underway and the Licensing Program Review is expected to commence within the next three years. As existing zoning by-laws do not address kennels consistently, repealing the licensing by-law entirely at the present time may leave gaps in nuisance protection for neighbourhoods.

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### **Financial/Staffing/Other Implications:**

There are no financial implications associated with the amendment of the Kennel Licensing By-law.

### **Relationship to the Strategic Plan:**

The recommended amendment of the Kennel Licensing By-law is consistent with the Strategic Plan directions to “respond to the changing needs of the community through adapting services and programs” and “better understand and support the requirements of businesses.”

### **Conclusion:**

The City of Richmond Hill has regulated kennels since 1971. One of the two existing kennel facilities in Richmond Hill is located within the North Leslie East development area adjacent to the Leslie Richmond Developments Ltd. Subdivision (D03-15007). When the condominium townhouses within the Leslie Richmond Developments Ltd. Subdivision are occupied, the existing kennel will no longer be in compliance with the required 30.48 metre (100 foot) setback to adjacent residences required by the Kennel Licensing By-law. In order to resolve this issue and enable the existing kennel to continue to operate without incurring renovation costs, it is recommended that the Kennel Licensing By-law be amended.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 – By-law No. 26-20 to amend the Kennel Licensing By-law No. 188-05 (Municipal Code Chapter 321)

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### Report Approval Details

Document Title:	SRCS.20.09 Amendment of Kennel Licensing By-law.docx
Attachments:	- By-law 26-20 Kennel By-law - Amendment.pdf
Final Approval Date:	May 19, 2020

This report and all of its attachments were approved and signed as outlined below:

**Tracey Steele - May 14, 2020 - 4:07 PM**

**Darlene Joslin - May 14, 2020 - 4:09 PM**

**MaryAnne Dempster - May 19, 2020 - 10:56 AM**