# Justice Institute of British Columbia

# Variability in Preventative Animal Cruelty Legislation in Canada

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## Introduction

Companion animals provide unique health benefits such as alleviating depression and anxiety, which makes pet ownership desirable to many Canadians (Maharaj, 2016). Not to mention their adorable appeal. Canada was home to over 6.4 million dogs and 8.5 million cats in 2016 (Hunter & Brisbin, 2016). Each province and territory in Canada has their own preventative companion animal cruelty legislation to provide animal welfare.

## Background

In British Columbia (B.C), an authorized agent such as law enforcement or specified animal welfare organizations, reserve jurisdiction to prosecute offenders of animal cruelty offences under federal and/or provincial legislation. The province of B.C enforces the *Prevention of Cruelty to Animals Act* in order to alleviate animal distress (BC SPCA, 2019). The *British Columbia Society for the Prevention of Cruelty to Animals* (BC SPCA) remains to be the only organization aside from law enforcement to have sovereignty over the enforcement of animal cruelty laws in B.C. According to the BC SPCA website, Special Provincial Constables conduct over 9,500 animal cruelty investigations every year in B.C alone (2019).

The severity of animal cruelty convictions remain sparing as noted by Ledger & Mellor who stated,"...the Courts' current heavy reliance on physical and/or clinical evidence of ill-treatment should be modified"(2018, p.1). Current federal legislation makes it almost impossible to convict animal abusers (Verbora, 2015). Most often, provincial legislation is more effective in promoting animal welfare. This study critically appraised literature and legislation across Canada in order to evaluate the effectiveness of animal cruelty legislation.

## Methods

The research data for this study was collected utilizing secondary research. This qualitative study retrieved credible sources through the Justice Institute of British Columbia's (JIBC) EBSCO*host* and library catalogue. Various keywords and subject terms were searched to scout academic journals for the literature review process. Initially, the term 'animal cruelty' was reviewed which rendered over seven-thousand (7,000) results. In order to retrieve relevant research to this study, the search was limited to Full Text, Scholarly, Journals, SocINDEX, PsycINFO, and MEDLINE providers. Academic journals as old as 2009 were considered. Additional keywords such as, 'Canada' and 'law" were inputed which returned twenty-one (21) results. Literature provided by Google Scholar was also critically assessed using the same keywords and dates to provide vital secondary research. For the purpose of this study, eleven (11) academic journals were examined for their reliability and relevance.

## Results/Findings

Three themes became pertinent from this research. The following themes are that:

• Political climate impacts the movement of governments to strengthen provincial legislation.
• Each province and territory has jurisdiction to amend provincial level legislation, however amendments are rarely made.
• There is mutual agreement amongst literature that Canada has insufficient legislation to promote companion animal welfare.

Provincial acts of legislation were further assessed in comparison to the themes introduced in this section to formulate a discussion.
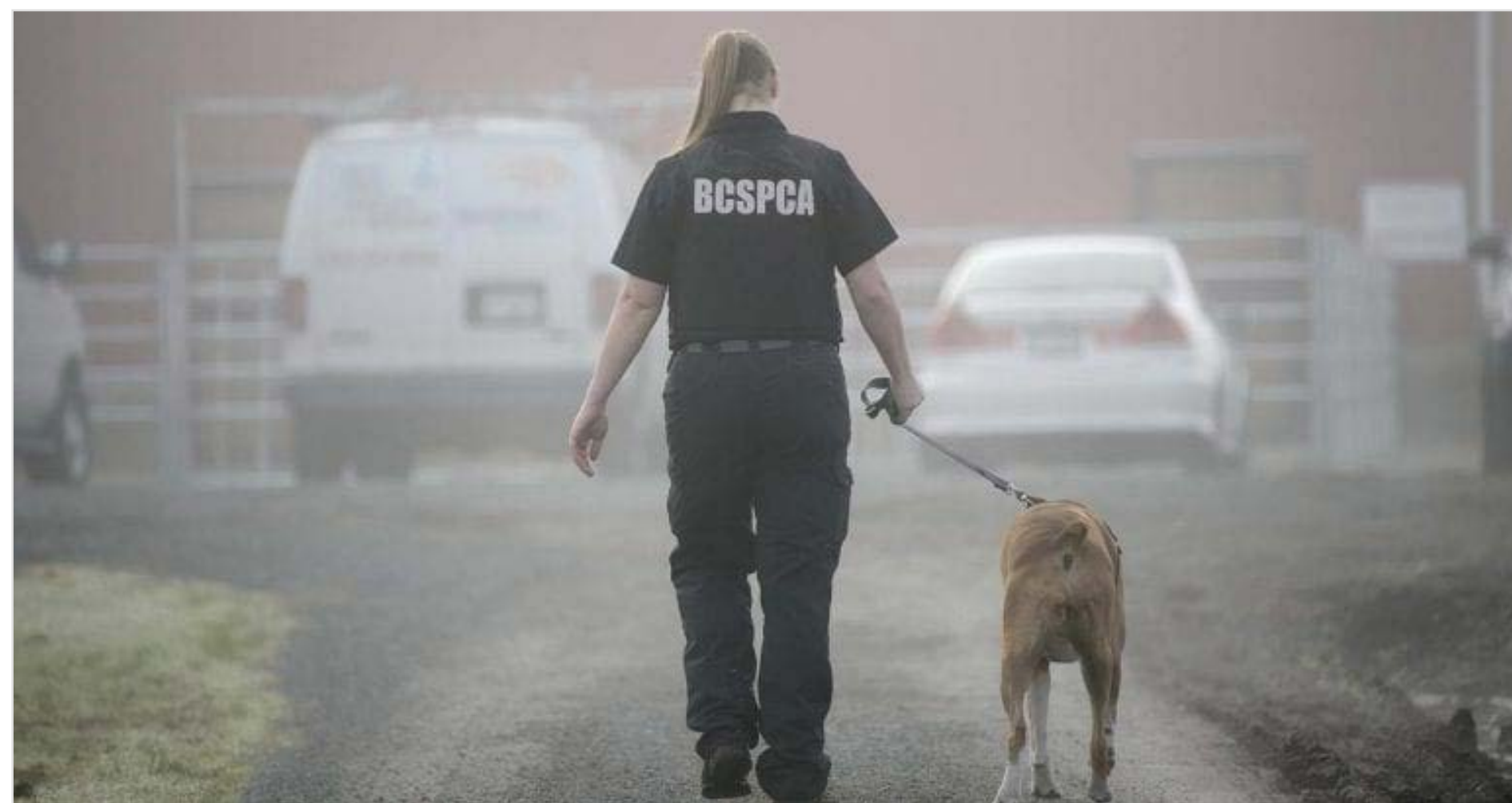
## Discussion

This research of preventative animal cruelty legislation in Canada provided that federal and provincial levels of legislation are generally ineffective to substantiating justice for companion animals. In comparison to Canada, the United States actually hands more severe sentences to animal cruelty offenders with sentences averaging two (2) to ten (10) years. While in Canada, sentences average from six (6) to eighteen (18) months (Deckha, 2012). This research also considered the legal status of companion animals. Companion animals are considered 'property' as per federal and provincial legislation. For this reason, provincial level legislation can be enhanced as per the powers given to amend matters of 'property' by the *Constitution Act* (1867) (Verbora, 2015). The main limitation of this research was the lack of primary research available on the repercussions of legislation of animal welfare. Provincial level legislation remains to be the most effective method in punishing animal cruelty offenders, however various recommendations were made to promote companion animal welfare through legislation.

## Conclusions or Recommendations

From this research, various conclusions and recommendations were created. The recommendations include, but are not limited to:

(1). Amend current legislation at the federal and provincial level to have harsher fines and sentences.
(2). Allow organizations such as the BC SPCA, to be included in designing legislation.
(3). Provide 'expert witness testimonies' to stand as evidence.
(4). Conduct more primary research to consider the repercussions of animal cruelty on society.
(5). Change the 'property' status of companion animals to include basic rights to be free of harm such as humans.

This research concluded that companion animals are not granted sufficient rights to promote their welfare. Federal and provincial legislation make it challenging to convict suspected animal abusers. Provinces such as B.C and Ontario who accommodate large urban cities still do not constitute harsh legislation. Current practices do not promote fair justice for the vulnerable population of pets.



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https://spca.bc.ca/wp-content/uploads/dog-sad-tethered-outdoog-dog-in-kennel-animal-issues-833x292.jpg

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