



## **PLEASE NOTE**

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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## CHAPTER C-14.1

### COMPANION ANIMAL PROTECTION ACT

#### PART I

##### INTERPRETATION AND APPLICATION

- |  |                                |
|--|--------------------------------|
| 1. (1) In this Act   | Definitions                    |
| (a) “animal” means a non-human vertebrate;   | animal                         |
| (b) “appeals officer” means the veterinarian appointed as the appeals officer by the Minister under subsection 9.2(1);   | appeals officer                |
| (c) “at large” means not under control;  | at large                       |
| (d) “companion animal” means an animal that is not an excluded animal;   | companion animal               |
| (e) “companion animal establishment” means an establishment, other than an excluded establishment, where companion animals are kept for boarding, training, sale or display on a regular basis and for fee or reward, and includes a circus, an establishment operated by the Society, a pet store, and a zoo; | companion animal establishment |
| (f) “Director” means the Director of Licensing appointed under section 10;   | Director                       |
| (g) “excluded animals” means   | excluded animals               |
| (i) livestock and poultry as defined in the <i>Animal Health and Protection Act</i> R.S.P.E.I. 1988, Cap. A-11.1,  |                                |
| (ii) animals that are wildlife as defined in the <i>Wildlife Conservation Act</i> R.S.P.E.I. 1988, Cap. W-4.1, and   |                                |
| (iii) animals of a species, type or category prescribed by the regulations;  |                                |
| (h) “excluded establishment” means an establishment  | excluded establishment         |
| (i) that operates solely as a kennel as defined in the <i>Dog Act</i> R.S.P.E.I. 1988, Cap. D-13,  |                                |
| (ii) that operates solely as a veterinary clinic licensed by the Prince Edward Island Veterinary Medical Association, or   |                                |
| (iii) that is specifically, or that is of a type, excluded by the regulations;   |                                |
| (i) “Society” means the Prince Edward Island Humane Society;   | Society                        |
| (j) “inspector” means an inspector appointed under subsection 5(1);  | inspector                      |

license	(k) “license” means a license to operate a companion animal establishment issued under subsection 10.2(4);
licensee	(l) “licensee” means a person who holds a license;
Minister	(m) “Minister” means the Minister of Agriculture;
officer	(n) “officer” means an officer appointed under subsection 5(1);
owner	(o) “owner” means the owner of a companion animal, and includes <ul style="list-style-type: none"> <li>(i) a person who has, with the consent of the owner, possession or charge of the companion animal,</li> <li>(ii) unless the contrary is indicated, a licensee or person in charge of a companion animal establishment at which the companion animal is kept or found, and</li> <li>(iii) a parent of a person under the age of 18 years who <ul style="list-style-type: none"> <li>(A) owns a companion animal or who has possession or charge of a companion animal owned by the parent, and</li> <li>(B) resides with the parent,</li> </ul> </li> </ul> but does not include a person under the age of 18 referred to in subclause (iii);
parent	(p) “parent” means <ul style="list-style-type: none"> <li>(i) a birth or adoptive parent who has custody or guardianship rights to a child,</li> <li>(ii) a person, who has stood <i>in loco parentis</i> to a child for a period of not less than one year and who has a continuing relationship with the child,</li> <li>(iii) a legal guardian of a child, or</li> <li>(iv) a person responsible for the care of a child and with whom the child resides;</li> </ul>
private property	(q) “private property” includes real or personal property;
veterinarian	(r) “veterinarian” means a person licensed to practise clinical veterinary medicine under the <i>Veterinary Profession Act</i> R.S.P.E.I. 1988, Cap. V-3.
Animal in distress	(2) For the purposes of this Act, a companion animal is in distress if it <ul style="list-style-type: none"> <li>(a) is in need of food, water, care, shelter or treatment;</li> <li>(b) is sick, in pain or suffering or has been injured; or</li> <li>(c) is abused or subjected to cruelty or neglect.</li> </ul>
Accepted activities	(3) Subject to subsection (4), for the purposes of this Act, an accepted activity includes the following activities: <ul style="list-style-type: none"> <li>(a) research and teaching involving animals;</li> <li>(b) euthanasia of animals;</li> </ul>

- (c) any other activity designated by the regulations as an accepted activity.
- (4) An activity is an accepted activity under subsection (3) only if it is carried out in a manner that is consistent with the regulations. Standards for accepted activities
- (5) This Act and the regulations do not apply to any municipality where the municipality has enacted and is enforcing bylaws that substantially conform to or exceed the standards and procedures established by this Act or the regulations. Application to municipalities
- (6) Where there is a conflict between a provision of this Act and provision of the *Dog Act*, the *Dog Act* shall prevail to the extent of the conflict. 2001,c.4,s.1; 2004,c.36,s.3; 2009,c.73,s.2. Conflict with *Dog Act*
- 2.** The object of this Act is to protect companion animals from abuse and neglect and to license and regulate the activities of companion animal establishments. 2001,c.4,s.2. Object

## PART II

### PROTECTION OF COMPANION ANIMALS

#### Restrictions Respecting Injury and Distress

- 3.** (1) No person shall wilfully cause a companion animal unnecessary pain, suffering or injury. Causing unnecessary pain, suffering or injury
- (2) No owner of a companion animal shall cause or permit the companion animal to be, or to continue to be, in distress. Causing or permitting distress
- (3) Subsections (1) and (2) do not apply where the pain, suffering, injury or distress are the result of any treatment, process or condition that occurs in the course of an accepted activity. 2001,c.4,s.3. Exception regarding accepted activities

#### Companion Animals at Large and in Distress

- 4.** (1) Any companion animal  
 (a) that is at large, and  
 (b) that is, or appears to be, in distress,  
 may be caught and taken possession of by a person who is not the owner of the companion animal. Catching and holding animals at large
- (2) Where a companion animal is caught and taken possession of under subsection (1), the captor shall, if the captor knows or can easily find the owner of the companion animal, notify the owner as soon as possible,  
 (a) that the animal has been caught; Notice to owner

(b) that the animal is or appears to be in distress; and

(c) of the place where the animal is being held.

Notice to Society

(2.1) Where

(a) the captor does not know or cannot easily find the owner of the companion animal; or

(b) the owner is notified in accordance with subsection (2) but does not pick up the companion animal within 24 hours of receiving that notice,

the captor shall notify the Society of the matters referred to in subsection (2), as soon as possible after catching the companion animal, in the circumstances referred to in clause (a), or after the expiry of the 24-hour period, in the circumstances referred to in clause (b).

Duty of reasonable care

(3) A captor shall, as soon as possible, make reasonable arrangements for the animal's care until it is recovered by the owner or it is taken into the possession and charge of the Society.

Society to arrange shelter

(4) When notified under subsection (2.1), the Society shall, as soon as possible, take possession and charge of the companion animal and arrange for the companion animal

(a) to be sheltered at its premises, a veterinary clinic or a companion animal establishment that accepts animals on behalf of the Society; and

(b) to be given such care as the Society considers reasonable in the circumstances.

Notice

(5) Where the Society takes possession and charge of a companion animal under this section, the Society shall, as soon as possible, so inform an officer, and the officer shall, if the owner was not notified under subsection (2) of the animal's capture and distress, take reasonable steps to locate the owner and to advise the owner that the companion animal is in the possession and charge of the Society and may be recovered, placed for adoption or given euthanasia, in accordance with section 9.1. 2001,c.4,s.4.

#### Intervention by Inspectors and Officers

Inspectors and officers

**5.** (1) The Minister may appoint such inspectors and officers as are necessary for the administration of this Act and the regulations.

Persons eligible to be officers

(2) Any member or employee of the Society who is nominated by the Society, or a veterinarian, is eligible to be appointed as an officer under subsection (1).

Certificate of appointment

(3) The Minister shall provide an inspector or officer with a certificate of appointment.

(4) An inspector or officer acting under the authority of this Act or the regulations shall, on request, produce his or her certificate of appointment.

Production of certificate

(5) The Minister may engage, on such terms and conditions as the Minister considers appropriate, the services of such professional or technical persons or experts, as the Minister considers appropriate, to advise the Minister on matters relating to the efficient administration and enforcement of this Act and the regulations.

Professional expertise

(6) At the direction of the Minister, a person who is not an employee of the province and who assists in the administration and enforcement of this Act, as an officer or in any other capacity, may be paid such remuneration or reimbursed for such expenses as is permitted by the regulations. 2001,c.4,s.5.

Remuneration and expenses

**6.** (1) Subject to subsections (2) and (3), where an inspector or officer believes on reasonable and probable grounds that a companion animal is in distress in any place, including a companion animal establishment, or in any vehicle, the inspector or officer may, without a warrant,

Entry and inspection without warrant

- (a) enter the place or vehicle either alone or accompanied by a veterinarian; and
- (b) inspect the place or vehicle and any companion animal found therein to determine whether the animal is in distress.

(2) An inspector or officer may not enter any place that is a dwelling place without the consent of the owner or person in charge except under the authority of a warrant issued under subsection (4).

Warrant to enter dwelling place

(3) Before entering any place or vehicle under this section, an inspector or officer shall take reasonable steps to find the owner or person in charge and reasonably attempt to obtain his or her consent to the entry.

Consent to entry

(4) A justice who is satisfied by information on oath

- (a) that there are reasonable and probable grounds to believe that there is a companion animal in distress in a dwelling place; and
- (b) that either
  - (i) a reasonable but unsuccessful attempt to obtain consent to enter the dwelling place has been made, or
  - (ii) there are reasonable and probable grounds for believing that consent to entry will not or can not be given,

Authority to issue warrant

may issue a warrant authorizing the inspector or officer named therein, together with a veterinarian and such peace officers as are required to assist, to enter and inspect that dwelling place and any companion animal

found therein, subject to such conditions as may be specified in the warrant.

Use of force (5) An inspector or officer shall use no more force than is reasonably required to enter or inspect private property.

Obstruction (6) No person shall in any manner hinder or obstruct an inspector or officer in the performance of the inspector's or officer's duties under this Act and the regulations.

Inspection by veterinarian (7) A veterinarian who has, under this section, entered any place or vehicle with an inspector or officer, may inspect any companion animal found there for the purposes of determining whether the companion animal is in distress.

Relief of distress (8) Where an inspector or officer has entered any place or vehicle and finds an animal in distress, the inspector or officer may, in addition to any other action he or she is authorized to take under this Act and the regulations, supply the animal with food, water or any immediate or emergency care that may be necessary for alleviating the distress. 2001,c.4,s.6.

Entry and inspection of companion animal establishments **6.1** (1) During the regular business hours of a companion animal establishment, an inspector or officer may, without a warrant or the consent of the licensee, routinely enter the companion animal establishment and inspect it and any companion animal found therein to determine whether that companion animal establishment is operating in compliance with this Act and the regulations.

Report of matter by officer (2) Where, after making an entry and inspection under subsection (1), an officer believes that the companion animal establishment is not operating in compliance with this Act or the regulations, the officer shall report the matter to an inspector. 2001,c.4,s.6.1.

Application of section **7.** (1) This section does not apply in respect of the owner of any companion animal kept in a companion animal establishment.

Order to owner to relieve distress (2) Where an inspector or officer has reasonable and probable grounds to believe that a companion animal is in distress and the owner of the companion animal is present or may be found promptly, the inspector or officer may order the owner to take such action as may, in the opinion of the inspector or officer, be necessary to relieve the distress of the companion animal or improve the conditions that are causing the distress.

(3) An order issued under subsection (2) shall be in writing and shall, subject to subsection (4), contain a standard of care as prescribed by the regulations.

Content of orders

(4) Where a standard of care for a companion animal is not prescribed by the regulations, an inspector or officer, as the case may be, shall consult a veterinarian for the purpose of determining what actions are necessary to relieve the companion animal's distress or to improve the conditions that are causing the distress, and the order issued under subsection (2) shall be consistent with the veterinarian's instructions.

Consultation with veterinarian

(5) Where an inspector or officer makes an order under subsection (2), the inspector or officer shall specify in the order

Time for compliance and right of appeal

(a) the time within which any action required by the order shall be performed; and

(b) the owner's entitlement to appeal the order in accordance with section 9.3.

(6) Every order made under subsection (2) shall be served on the owner personally or by posting the order on the place where the companion animal was found, and service in any such manner shall be deemed to take effect immediately.

Service

(7) An owner who is served with an order under subsection (6) shall comply with the order in accordance with its terms.

Compliance required

(8) Subject to subsection (9), where an order made under subsection (2) remains in force, an inspector or officer may, for the purpose of determining whether the order has been complied with, enter the place or vehicle where the companion animal is located and inspect the companion animal or the place or vehicle.

Inspection to ensure compliance

(9) Where re-entry to a dwelling place is required for the purpose of the determining whether the order has been complied with, re-entry without a new warrant is only permitted under subsection (8) where it is a condition of the original warrant for entry into the dwelling place. 2001,c.4,s.7.

Re-entry, dwelling place

**8. (1) Where, after**

(a) entering and making an inspection of a companion animal establishment under section 6 and subsection 6.1(1); or

(b) receiving the report of an officer under subsection 6.1(2),

an inspector has reasonable and probable grounds to believe that a companion animal in the companion animal establishment is in distress, the inspector may order the licensee to take such action as may, in the opinion of the inspector, be necessary to relieve the distress of the

Order to licensee to relieve distress

companion animal or improve the conditions in the companion animal establishment that are causing the distress.

Application of provisions re orders and appeal	(2) Subsections 7(3) to (7) apply, with such changes as are required, in respect of any order made under subsection (1) or (3) or any decision made under subsection (5).
Officer has powers of inspector	(3) An officer shall have the powers of an inspector to issue an order under subsection (1) where <ul style="list-style-type: none"> <li>(a) the officer observes or hears a companion animal in what he believes to be, based on reasonable and probable grounds, circumstances of immediate life-threatening distress; and</li> <li>(b) the officer is unable to contact or make a report to an inspector about the matter within a reasonable time.</li> </ul>
Interim order	(4) Every order issued under subsection (3) shall be deemed to be an interim order and, within two working days, after making the order, the officer shall forward a copy of the order to an inspector.
Inspector to confirm, vary or rescind	(5) On receipt of a copy of an interim order, an inspector shall, as soon as is practicable, confirm, vary or rescind the order, as the inspector considers appropriate. 2001,c.4,s.8.
Removal of companion animal	<b>9.</b> (1) An inspector or officer may remove a companion animal from the place, including a companion animal establishment, or vehicle in which it is found, and take possession and charge of the companion animal for the purposes of providing it with food, water or care to relieve its distress where a veterinarian has inspected the animal and has advised that the health and well-being of the companion animal necessitates its removal.
Additional circumstances for removal	(2) An inspector may also remove a companion animal from the place, including a companion animal establishment, or vehicle in which it is found, and take possession and charge of it for the purposes referred to in subsection (1) where <ul style="list-style-type: none"> <li>(a) the inspector has inspected the companion animal and has reasonable grounds for believing that it is in distress and its owner is not present and cannot be found promptly;</li> <li>(b) an order respecting the companion animal, or the companion animal establishment in which it is found, has not been complied with; or</li> <li>(c) the inspector has reasonable grounds to believe that making an order will not eliminate or relieve the companion animal of its distress within a reasonable period of time.</li> </ul>
Euthanasia	(3) An inspector or officer may cause a companion animal to be given euthanasia <ul style="list-style-type: none"> <li>(a) with the consent of the owner; or</li> </ul>

(b) where a veterinarian has examined the companion animal and determined that the companion animal is ill or injured and, in the opinion of the veterinarian, is incapable of being so cured or healed as to live without suffering.

(3.1) On removing a companion animal under subsection (1) or (2), an inspector or officer shall, as soon as is practicable, transfer possession and charge of the companion animal to the Society. Transfer to Society

(4) An inspector or officer who removes a companion animal under subsection (1) or (2) or causes it to be given euthanasia under subsection (3) shall take reasonable steps to locate the owner of the companion animal as soon as is reasonably practicable and to advise the owner Notice

- (a) that the companion animal was found to be in distress;
- (b) of any action taken by the inspector or officer in respect of the companion animal;
- (c) if the companion animal has been placed in the possession and charge of the Society for care and shelter, that
  - (i) the companion animal may be recovered, placed for adoption or given euthanasia in accordance with section 9.1, and
  - (ii) the owner may appeal the decision to remove the companion animal to the appeals officer under section 9.3; and
- (d) if the companion animal has been given euthanasia, of the owner's liability, under subsection 13(1), for all of the costs associated with that action.

(5) On receiving possession and charge of a companion animal under subsection (3.1), the Society shall, as soon as possible, arrange for the companion animal to be Provision of shelter and care

- (a) sheltered at its premises, or at a veterinary clinic or companion animal establishment that accepts animals on behalf of the Society; and
- (b) given such care as the Society considers reasonable in the circumstances. 2001,c.4,s.9.

#### Recovery, Adoption, Euthanasia

**9.1** (1) The owner of a companion animal placed in the possession and charge of the Society under subsections 4(4) or 9(3.1) may, within the prescribed time period, recover possession and charge of the companion animal on paying to the Society the fees and costs for which the owner is liable under subsection 13(1). Recovering possession of companion animal

(2) Where the owner of a companion animal that has been placed in the possession and charge of the Society under subsections 4(4) or 9(3.1) Adoption or euthanasia

(a) fails to take possession of the companion animal in accordance with subsection (1); or  
 (b) fails to obtain a decision, under subsection 9.3, on appeal to the appeals officer, requiring the return of the companion animal, the Society is deemed to be the owner of the animal and may place the animal for adoption, with a person approved by the Society and for a prescribed fee, or cause it to be given euthanasia.

Transfer of ownership

(3) Where a companion animal is placed for adoption under subsection (2), the companion animal becomes the property of the person with whom it is placed. 2001,c.4,s.9.1.

### Appeals

Appeals officer

**9.2** (1) The Minister shall appoint a veterinarian to serve as the appeals officer.

Duties

(2) The appeals officer shall hear and determine appeals made under subsection 9.3(1). 2001,c.4,s.9.2.

When owner may appeal

**9.3** (1) An owner of a companion animal who is aggrieved by  
 (a) an order made under section 7 or 8; or  
 (b) a decision made under subsection 8(5), 9(1) or (2),  
 may appeal the order or decision to the appeals officer within seven days after the service on the owner of the order or notice of the decision, as the case may be.

Appeal in writing

(2) The appeal shall be  
 (a) made in writing and in a form approved by the appeals officer;  
 and  
 (b) filed with the appeals officer within the time period specified in subsection (1).

Review

(3) The appeals officer shall review the order or decision appealed from within five days of the receipt of the appeal.

Decision

(4) The appeals officer, on reviewing an appeal, may confirm, vary or rescind the order or decision appealed.

Notice

(5) The appeals officer shall provide notice of his or her decision to  
 (a) the owner;  
 (b) the inspector or officer who made the order or decision that is the subject of the appeal; and  
 (c) the Society, if it has possession of the companion animal.  
 2001,c.4,s.9.3.

## PART III

## LICENSES

## General

**10.** The Minister shall appoint an employee of the province to be the Director of Licensing. 2001,c.4,s.10. Director of Licensing

**10.1** (1) Subject to subsection (2), no person shall operate a companion animal establishment except under the authority of a valid license. Restriction on operation

(2) Where Exception

(a) the term of a person's license expires on June 30 in a year in accordance with subsection 10.2(8); and

(b) the person has not been issued a new license,

the person may, during the 30 days immediately following that date, operate a companion animal establishment without a license. 2001,c.4,s.10.1.

## Applications

**10.2** (1) An application for the issuance of a license shall be made to the Director on a form approved by the Director and shall Application

(a) contain the information required by the regulations; and

(b) subject to subsection (2), be accompanied by such application and annual license fees and documentation as may be required by the regulations.

(2) A licensee who applies under subsection (1) for the issuance of a new license within 30 days of the expiry of his or her last license is not required to pay any application fees. Application fees not payable for subsequent license

(3) The Director may, before issuing a license to an applicant, require Inspection and further information

(a) the applicant's companion animal establishment to be inspected by an inspector or officer to determine that it will be operated in accordance with this Act and the regulations; and

(b) the applicant to submit such additional information as the Director considers necessary.

(4) The Director shall issue a license to an applicant if the Director is satisfied that Issuance of license

(a) the application has been made in accordance with subsection (1) and accurately reflects the companion animal establishment and its proposed operation;

(b) the applicant has complied with any requirement for an inspection or the submission of further information made under subsection (3); and

(c) the companion animal establishment and its proposed operation, as specified in the application, comply with the requirements of this Act and the regulations.

Terms and conditions	(5) The Director may issue a license subject to such terms and conditions as the Director considers appropriate.
Compliance by licensee	(6) A licensee shall comply with <ul style="list-style-type: none"> <li>(a) the terms and conditions of his or her license, if any; and</li> <li>(b) the requirements of this Act and the regulations.</li> </ul>
Display of license	(7) A licensee shall keep the license posted in the companion animal establishment to which it pertains in a clearly visible and prominent place.
Term of license	(8) A license is valid for a term commencing on the date it is issued and expiring on June 30 of that year, unless it is sooner suspended or cancelled.
Not transferable	(9) A license held by a licensee for a companion animal establishment is not transferable to another person or to another companion animal establishment.
Payment to Minister of Finance and Municipal Affairs	(10) The application and annual license fees collected under this section shall be made payable to the Minister of Finance and Municipal Affairs. 2001,c.4,s.10.2; 2010,c.31,s.3.
Refusal to license	<b>10.3</b> If the Director refuses to issue a license to an applicant, the Director shall give the applicant a written notice of the refusal that <ul style="list-style-type: none"> <li>(a) gives the reasons for the refusal; and</li> <li>(b) advises the applicant that the refusal may be appealed in accordance with section 12. 2001,c.4,s.10.3.</li> </ul>

#### Suspension or Cancellation

Suspension or cancellation of license	<b>11.</b> (1) The Director may suspend or cancel a license, by giving a written notice to the licensee of the suspension or cancellation, where the Director is satisfied <ul style="list-style-type: none"> <li>(a) that the licensee has failed to comply with this Act or the regulations; or</li> <li>(b) that the licensee has been found guilty of an offence under the Criminal Code (Canada) relating to the treatment of animals.</li> </ul>
Notice	(2) The written notice given to the licensee under subsection (1) shall

- (a) give the reasons for the suspension or cancellation; and
- (b) advise the licensee that the suspension or cancellation may be appealed in accordance with section 12. 2001,c.4,s.11.

#### Appeal

**12.** (1) A person who is aggrieved by the refusal of his or her application for a license, or by the suspension or cancellation of his or her license, may, within 30 days after the person is notified of the refusal, suspension or cancellation, as the case may be, appeal the refusal, suspension or cancellation to a judge of the Supreme Court. Appeal

(2) On hearing an appeal made under subsection (1), the judge may rehear the matter and hear new evidence on the matter and confirm, vary or rescind the refusal, suspension or cancellation. 2001,c.4,s.12. Decision

### PART IV

#### GENERAL

##### Fees and Costs

**13.** (1) The owner or former owner of a companion animal is liable to pay to the Society, on demand, an amount equal to Owner liable for fees and costs

(a) the sum of

(i) the prescribed fees respecting the care and maintenance of the companion animal, and

(ii) any costs incurred by the Society that is considered appropriate to relieve the distress of the companion animal,

where the companion animal has been placed in the possession and charge of the Society under subsections 4(4) or 9(3.1);

(b) the costs of the relief supplied to the companion animal by an inspector or officer under subsection 6(8); and

(c) the costs associated with giving the companion animal euthanasia under subsection 9(3) or 9.1(2).

(2) For greater certainty, the costs for which an owner or former owner is liable under subsection (1) include any costs incurred to seize, transport, or provide medical attention to a companion animal. Included costs

(3) Any amount for which an owner or former owner of a companion animal is liable under this section is a debt due by that person to the Society. Recovery as debt due to Society

(4) The Society may at any time, and shall on the request of the owner or former owner of the companion animal, provide to the owner a Statement of account

statement of account of the fees and costs for which the owner is liable under this section.

Reimbursement (5) The Minister shall, in accordance with the regulations, reimburse the Society for any fees or costs outstanding under this section for more than 24 months. 2001,c.4,s.13.

#### Liability

Liability **14.** No action or other proceedings for damage shall be instituted against  
 (a) the Minister;  
 (b) an inspector, officer, veterinarian;  
 (c) the appeals officer or Director; or  
 (d) any person acting as the agent of any person referred to in clauses (a), (b) or (c)  
 for anything done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, or for the neglect or default in the performance or exercise in good faith of any such duty or power. 2001,c.4,s.14.

#### Offences and Penalties

Offences and penalties **15.** Every person who fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$5,000. 2001,c.4,s.15.

Additional penalties **16.** (1) In addition to imposing the penalties prescribed by section 15, a judge, on conviction, may  
 (a) make an order prohibiting the defendant from owning, having the custody or control of, or residing in the same place as a companion animal during any period that the court considers appropriate, but in the case of second or subsequent offence, for the lifetime of the defendant; or  
 (b) make an order vesting in the Society  
 (i) the ownership of all companion animals owned by the defendant, and  
 (ii) the ownership of the companion animal in respect of which the prosecution has been commenced.

Non-compliance on offence (2) No person shall disobey an order made under subsection (1). 2001,c.4,s.16.

Continuing offence **17.** Where a summary offence ticket is issued for non-compliance with an order made under section 7 or 8, the owner or licensee, as the case may be, is guilty of a separate offence for each day that the order is not complied with. 2001,c.4,s.17.

## Regulations

- 18.** The Lieutenant Governor in Council may make regulations Regulations
- (a) designating activities as accepted activities and describing accepted activities;
  - (b) prescribing which documents are to be considered codes or manuals for the purposes of this Act;
  - (c) prescribing standards of care, maintenance and treatment in relation to companion animals and incorporating by reference codes of practise or manuals relating to those standards;
  - (d) prohibiting specific practices carried out on or in relation to companion animals;
  - (e) designating classes, types or categories of animals as companion animals, and excluding other classes, types or categories;
  - (f) listing the types of premises, structures, or places considered to be companion animal establishments;
  - (g) respecting the appointment or removal of officers, inspectors, and other persons required for administering and enforcing this Act;
  - (h) respecting qualifications, identification, and codes of conduct for officers and inspectors;
  - (i) prescribing the terms and conditions of reimbursement or remuneration for assistance in administering or enforcing this Act;
  - (j) prescribing any procedures required for administering and enforcing this Act;
  - (k) prescribing the form and content of any order issued under the authority of this Act;
  - (l) setting out circumstances for immediate life-threatening distress under which officers may issue an order to a companion animal establishment;
  - (m) prescribing the form and procedure for appeals and reviews authorized by this Act;
  - (n) respecting searches authorized by this Act;
  - (o) respecting the use of force;
  - (p) respecting the seizure and custody of a companion animal;
  - (q) respecting the establishment of fees owed by an owner or former owner under any provisions of this Act or the regulations including the establishment of a scale of fees;
  - (r) respecting billing an owner or other person for costs incurred in the enforcement of this Act;
  - (s) prescribing the time frame for repossession of a companion animal;
  - (t) respecting activities that engage companion animals for entertainment or exhibition;
  - (u) respecting the establishment, operation and maintenance of companion animal establishments, and prescribing standards for

companion animal establishments including standards of care for companion animals in the licensee's possession and charge;

- (v) concerning the inspection of companion animal establishments;
- (w) respecting the terms and conditions of a license including application fees, license fees, and renewal of a license;
- (x) respecting the form and content of a license;
- (y) prescribing procedures for the suspension or cancellation of licenses;
- (z) respecting exemptions from licensing provisions;
- (aa) prescribing persons to whom application and license fees may be made payable;
- (bb) respecting reimbursement to the Society for outstanding fees and costs;
- (cc) defining any word or expression used in this Act, but not defined in this Act, for the purposes of this Act;
- (dd) generally for the administration and enforcement of this Act.

2001,c.4,s.18.