

**ONTARIO
SUPERIOR COURT OF JUSTICE
BETWEEN :**

JEFFREY BOGAERTS

Applicant

-and-

THE ATTORNEY GENERAL OF ONTARIO

Respondent

**Application Record
VOLUME I**

THE ATTORNEY GENERAL OF ONTARIO
Constitutional Law Branch
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TAB 1

Court File No. 749/13

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

JEFFREY BOGARTS

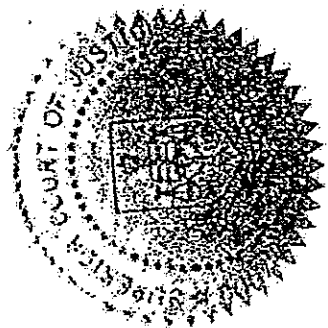
Applicant

-and-

ATTORNEY GENERAL OF ONTARIO

Respondent

NOTICE OF APPLICATION



TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED BY THE APPLICANT. THE CLAIM made by the applicant appears on the following page.

THIS APPLICATION will come for a hearing on a date and at a time to be set by the Registrar of the Superior Court of Justice at Perth Courthouse, 43 Drummond Street east, Perth, Ontario, K7H 1G1.

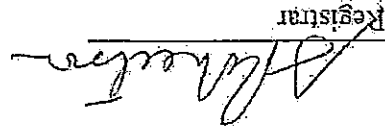
IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TO: The Attorney General of Ontario
Public Law Division
Constitutional Law Branch
7th Floor, 720 Bay Street
Toronto, Ontario, M5G 2K1

Address of court office:
Perth Courthouse
43 Drummond Street East
Perth, Ontario, K7H 1G1

Issued by: 
Local Registrar

Date: 04.18.2013

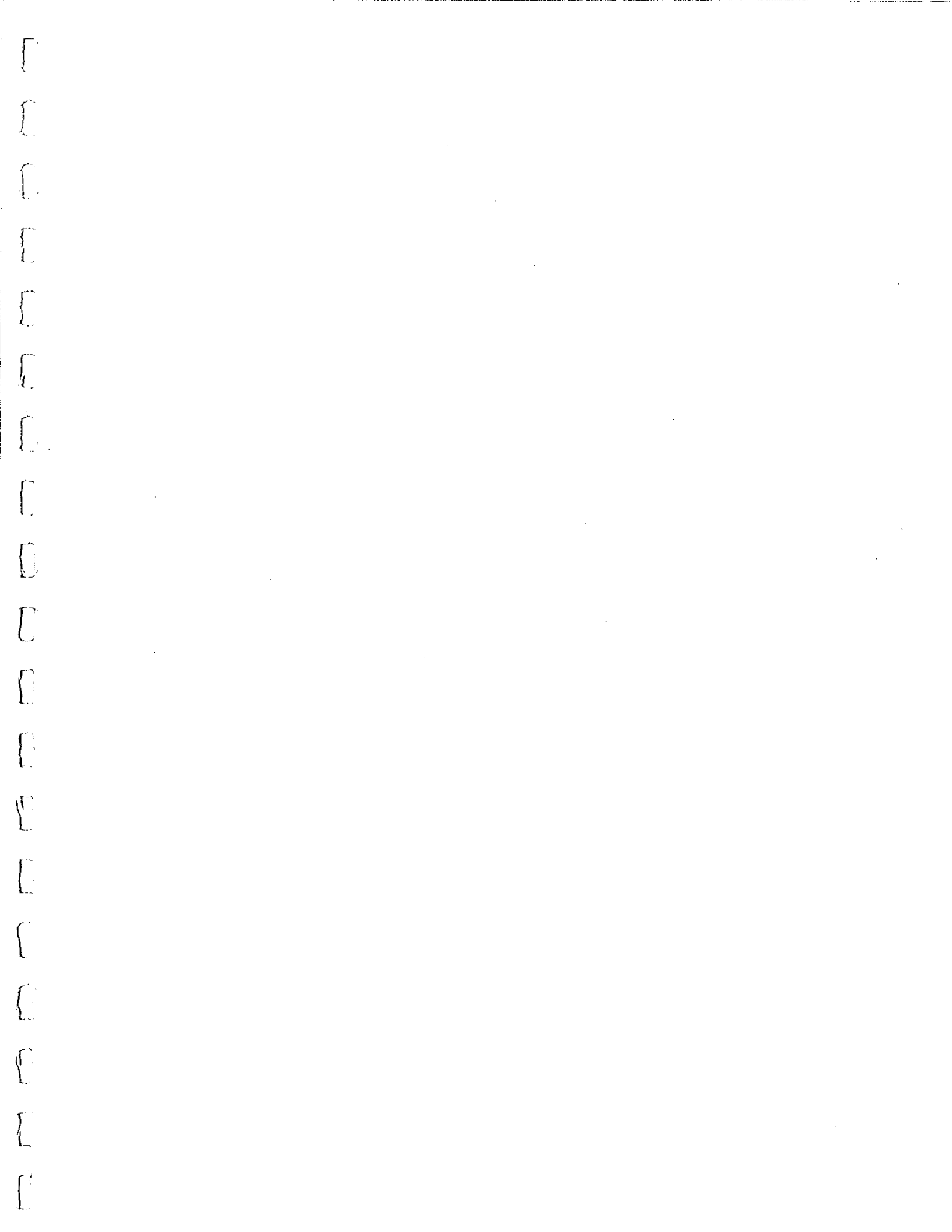
- a. The grounds for the application are:
 - 1. The applicant makes application for:
 - a. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, section 52(1) of the *Constitution Act, 1982*, and section 24(1) of the *Canadian Charter of Rights and Freedoms* [the "*Charter*"] that sections 1, 11, 11.2(1), 11.2(2), 12, 12.1, 13 and 14 of the *Ontario Society for the Prevention of Cruelty to Animals Act*, RSO 1990, c O.36 [the "*OSPCA Act*"], as amended, violate section 7 of the *Charter* and therefore are of no force or effect;
 - b. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, section 52(1) of the *Constitution Act, 1982*, and section 24(1) of the *Charter* that sections 11.4, 12, 13 and 14 of the *OSPCA Act*, as amended, violate section 7 and 8 of the *Charter* and therefore are of no force or effect;
 - c. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, and section 52(1) of the *Constitution Act, 1982*, that the *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1 of the *Act*, as amended, violate sections 91 and 92 of the *Constitution Act, 1982*, and therefore are of no force or effect; and
 - d. Such further and other relief as counsel may advise and this Honourable Court may permit
 - 2. The grounds for the application are:
 - a. Section 18.1 of the *OSPCA Act*, by providing for a term of imprisonment following a conviction for an offence under the *Act*, restricts the liberty of people, animal owners and animal custodians in the province of Ontario, as defined, under section 7 of the *Charter*;
 - b. The provisions of the *OSPCA Act* which restrict the liberty of people, animal owners and animal custodians in Ontario do not accord with the principles of fundamental justice and, therefore, breach section 7 of the *Charter*;
 - c. The definition of "distress" in section 1 of the *OSPCA Act* is unconstitutionally vague in that it does not provide sufficient guidance for legal debate;

APPLICATION

- v. To the extent that section 11 of the *OSPCA Act* confers "the powers of a police officer" upon Officers of a private organization, an organization which is also trusted to raise its own revenues to fund its investigations and salaries of the same Officers, and which raises said revenues by selling seized animals and other products of its investigations, it does not accord with the principles of fundamental justice and, therefore, breaches section 7 of the *Charter*;
- vi. To the extent that section 11 of the *OSPCA Act* confers "the powers of a police officer" upon OSPCA Officers, and the OSPCA and/or its Officers are not subject to:
 - i. *Police Services Act*, R.S.O. 1990, c. P.15 and regulations passed thereunder;
 - ii. *Freedom of Information and Protection of Privacy Act*, RSO 1990, c. F.31 and regulations passed thereunder;
 - iii. *Ombudsman Act*, R.S.O. 1990, c. O.6 and regulations passed thereunder;
 it does not accord with the principles of fundamental justice and, therefore, breaches section 7 of the *Charter*;
- vii. To the extent that section 11 of the *OSPCA Act* confers "the powers of a police officer" upon OSPCA Officers, without statutorily prescribed restraints afforded to police officers in Ontario, it does not accord with the principles of fundamental justice and, therefore, breaches section 7 of the *Charter*;
- viii. To the extent that section 11 of the *OSPCA Act* confers "the powers of a police officer" upon Officers of a private organization, with no public oversight, accountability or transparency, it does not accord with principles of fundamental justice and, therefore, breaches section 7 of the *Charter*;
- ix. To the extent that section 11 of the *OSPCA Act* confers "the powers of a police officer" upon Ontario residents as little as possible; chosen are not proportional to the limits put on peoples' rights and do not impair the *OSPCA Act* cannot be saved by section 1 of the *Charter* because the means Wartanless search and seizure powers provided by sections 11.4, 13 and 14 of section 8 of the *Charter*;
- x. makes judicial authorization impracticable, it is not reasonable and violates

- c. The Affidavit of Carl Noble, to be sworn, and the exhibits annexed thereto;
 - b. The Affidavit of Dr. Lawrence Gray, to be sworn, and the exhibits annexed thereto;
 - a. Affidavit of the Applicant, Jeffrey Bogarts, to be sworn, and the exhibits annexed thereto;
3. The following documentary evidence will be used at the hearing of the application:

- cc. Such further and other grounds as counsel may advise and this Honourable Court may permit.
- bb. The severity of penalties prescribed by section 18.1 of the *OSPCA Act* further characterizes the Act as criminal law; and
- aa. Sections 11.1, 11.2 and 18.1 of the *OSPCA Act* effectively duplicates the "Cruelty to Animals" section of the *Criminal Code*, namely sections 445.1 to 447.1, and said overlap supports an inference that the *OSPCA Act* serves a criminal law purpose;
- z. The *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1 of the Act, exposes Ontario residents to criminal prosecution while bypassing the protection provided by criminal law and procedure;
- y. To the extent that the *OSPCA Act* intrudes into criminal law, an area which is the exclusive jurisdiction of the Parliament of Canada, the Act is *ultra vires* the Province of Ontario for violating sections 91 and 92 of the *Constitution Act, 1982*;
- x. The pith and substance of the *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1 of the Act, is of a moral issue related to criminal law, and constitutes an attempt by the province of Ontario to legislate in the area of criminal law;
- w. Conferral of police powers upon Officers of a private organization, as prescribed by section 11 of the *OSPCA Act*, violates section 7 of the *Charter* and cannot be saved under section 1 of the *Charter* because the means chosen are not proportional to the limits put on peoples' rights and do not impair the rights of Ontario residents as little as possible;



TAB 2

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, YOU OR YOUR LAWYER MUST, IN ADDITION TO SERVING YOUR NOTICE OF APPEARANCE, SERVE A COPY OF THE EVIDENCE ON THE APPLICANT'S LAWYER OR, WHERE THE APPLICANT DOES NOT HAVE A LAWYER, SERVE IT ON THE APPLICANT, AND FILE IT, WITH PROOF OF SERVICE, IN THE COURT OFFICE WHERE THE APPLICATION IS TO BE HEARD AS SOON AS POSSIBLE, BUT AT LEAST FOUR DAYS BEFORE THE HEARING.

IF YOU WISH TO OPPOSE THIS APPLICATION, TO RECEIVE NOTICE OF ANY STEP IN THE APPLICATION OR TO BE SERVED WITH ANY DOCUMENTS IN THE APPLICATION, YOU OR AN ONTARIO LAWYER ACTING FOR YOU MUST FORTHWITH PREPARE A NOTICE OF APPEARANCE IN FORM 38A PRESCRIBED BY THE RULES OF CIVIL PROCEDURE, SERVE IT ON THE APPLICANT'S LAWYER OR, WHERE THE APPLICANT DOES NOT HAVE A LAWYER, SERVE IT ON THE APPLICANT, AND FILE IT, WITH PROOF OF SERVICE, IN THIS COURT OFFICE, AND YOU OR YOUR LAWYER MUST APPEAR AT THE HEARING.

THIS APPLICATION WILL COME FOR A HEARING ON A DATE, AND AT A TIME TO BE SET BY THE REGISTRAR OF THE SUPERIOR COURT OF JUSTICE AT PERTH COURTHOUSE, 43 PRINCE OF WALES STREET EAST, PERTH, ONTARIO, K7H 1G1.

A LEGAL PROCEEDING HAS BEEN COMMENCED BY THE APPLICANT. THE CLAIM MADE BY THE APPLICANT APPEARS ON THE FOLLOWING PAGE.

TO THE RESPONDENT

AMENDED NOTICE OF APPLICATION

Respondent

ATTORNEY GENERAL OF ONTARIO

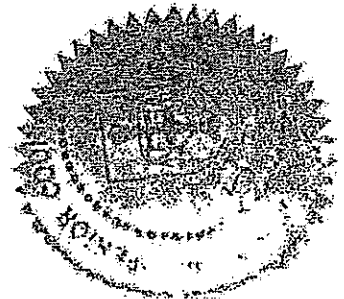
and

Registrar, Superior Court of Justice

Al Martin

JEFFREY BOGARTS

Pursuant to Rule: 26.02(1)



BETWEEN:

of February 20 17

Amended this 24th day

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Court File No. 749/13

2V 13-749 11

Issued by: *A. A. [Signature]*
Local Registrar

Address of court office:
Perth Courthouse
43 Dunnington Street East
Perth, Ontario, K7H 1G1

TO: The Attorney General of Ontario
Public Law Division
Constitutional Law Branch
7th Floor, 720 Bay Street
Toronto, Ontario, M5G 2K1

Date: October 18, 2013

APPLICATION

1. The applicant makes application for:

- a. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, section 52(1) of the *Constitution Act, 1982*, and section 24(1) of the *Canadian Charter of Rights and Freedoms* [the "Charter"] that sections 7, 11, 11.2(1), 11.2(2), 12, 12.1, 13 and 14 of the *Ontario Society for the Prevention of Cruelty to Animals Act*, RSO 1990, c. O.36 [the "OSPCA Act"], as amended, violate section 7 of the *Charter* and therefore are of no force or effect;

- b. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, section 52(1) of the *Constitution Act, 1982*, and section 24(1) of the *Charter* that sections 11.4, 11.4.1, 12(6), 13, and 14(D) (except subsection 14(1)(a)) of the *OSPCA Act*, as amended, violate section 7 and/or 8 of the *Charter* and therefore are of no force or effect;

- c. A declaration pursuant to sections 97 and 109 of the *Courts of Justice Act*, and section 52(1) of the *Constitution Act, 1982*, that the *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1(D)(c) of the *Act*, as amended, violate sections 91 and 92 of the *Constitution Act, 1982*, and therefore are of no force or effect; and

- d. Such further and other relief as counsel may advise and His Honourable Court may permit.

2. The grounds for the application are:

- a. Section 18.1 of the *OSPCA Act*, by providing for a term of imprisonment following a conviction for an offence under the *Act*, restricts the liberty of people, animal owners and animal custodians in the province of Ontario, as defined under section 7 of the *Charter*;

- b. The provisions of the *OSPCA Act* which restrict the liberty of people, animal owners and animal custodians in Ontario do not accord with the principles of fundamental justice and, therefore, breach section 7 of the *Charter*;

- c. The definition of "distress" in section 1 of the *OSPCA Act* is unconstitutionally vague in that it does not provide sufficient guidance for legal debate;

- d. ~~The definition of "distress" in section 1 of the OSPCA Act does not provide fair notice to the residents of Ontario respecting minimally acceptable care and treatment of animals in Ontario;~~
- e. ~~The definition of "distress" in section 1 of the OSPCA Act does not provide sufficient direction to those enforcing the law to prevent arbitrary exercise of their discretion;~~
- f. ~~The definition of "distress" in section 1 of the OSPCA Act does not provide sufficient direction to those issuing warrants or orders, as authorized by the Act, to prevent arbitrary exercise of their discretion;~~
- g. ~~The definition of "distress" in section 1 of the OSPCA Act is unconstitutionally overbroad in that it may capture capture acceptable and/or normal care and treatment of animals in Ontario;~~
- h. ~~The definition of "distress" in section 1 of the OSPCA Act violates section 7 of the Charter and cannot be saved under section 1 of the Charter because it is not rationally connected to the purpose of the legislation and does not impair the rights of Ontario residents as little as possible;~~
- i. ~~To the extent that sections 1, 11.2(1), 11.2(2), 12, 12.1, 13, and 14 of the OSPCA Act rely on and incorporate the definition of "distress" from section 1 of the Act, these sections are unconstitutionally vague and overbroad and cannot be saved by section 1 of the Charter;~~
- j. ~~To the extent that section 12 of the OSPCA Act relies on and incorporates the definition of "distress" from section 1 of the Act, it is unconstitutionally vague and overbroad and, in turn, violates sections 7 and 8 of the Charter because it fails to adequately specify an appropriate standard for the issuance of warrants;~~
- k. ~~To the extent that section 12 of the OSPCA Act relies on and incorporates the definition of "distress" from section 1 of the Act, it cannot be saved by section 1 of the Charter because it is not rationally connected to the purpose of the legislation, the means chosen are not proportional to the rights put on people, rights, and it does not impair the rights of Ontario residents as little as possible;~~

1. Sections 11.4, 11.4.1, 12(6), 13, and 14(1) (except subsection 14(1)(a)) of the *OSPCA Act* grant powers of search and seizure which are unreasonable in their extent and contravene the constitutional standard of reasonableness prescribed by section 7 and/or 8 of the *Charter*.
- m. To the extent that section 11.4 and 11.4.1 of the *OSPCA Act* confers upon OSPCA Officers the power to search private property and demand production of private property located thereon at the complete discretion of the Officer, including property where a dwelling unit may be located, either alone or accompanied by any number of other persons as he or she considers advisable, and irrespective of any situation of urgency which makes judicial authorization impracticable, it is not reasonable and violates section 8 of the *Charter*.
- n. To the extent that section 13(6) of the *OSPCA Act* confers upon OSPCA Officers the power to enter private property at the complete discretion of the Officer, including a dwelling unit, at any hour of the day or night into the future forever, either alone or accompanied by any number of other persons as he or she considers advisable, at any time and irrespective of any situation of urgency, it is not reasonable and violates section 8 of the *Charter*.
- o. To the extent that sections 13(1) and 13(6) of the *OSPCA Act* conjunctively confer upon OSPCA Officers warrantless entry powers, subject only to an initial "reasonable grounds for believing that an animal is in distress" on the part of an OSPCA officer, and irrespective of taking any reasonable steps to confirm with a veterinarian that an animal is in distress, and irrespective of whether there is any situation of urgency which makes the obtaining of a search warrant impracticable, it is not reasonable and violates section 8 of the *Charter*.
- p. To the extent that sections 13(1) and 13(6) of the *OSPCA Act* conjunctively confer upon OSPCA Officers warrantless entry powers, and an appeal of an Order issued under section 13(1) expires after only 5 business days, and while the entry powers prescribed under 13(6) go on forever, it is not reasonable and violates section 8 of the *Charter*.

cc. Such further and other grounds as counsel may advise and this Honourable Court

may permit.

3. The following documentary evidence will be used at the hearing of the application:

a. Affidavits of the Applicant, Jeffrey Bogarts, to be sworn, and the exhibits annexed thereto; and

b. ~~The Affidavit of Dr. Lawrence Gray, to be sworn, and the exhibits annexed~~

~~thereto;~~

c. ~~The Affidavit of Carl Noble, to be sworn, and the exhibits annexed thereto;~~

d. ~~The Affidavit of Viola Stetson, to be sworn, and the exhibits annexed thereto;~~

e. ~~The Affidavit of Jessica Johnson, to be sworn, and the exhibits annexed thereto;~~

f. ~~The Affidavit of Anne Probst, to be sworn, and the exhibits annexed thereto;~~

g. ~~The Affidavit of Cynthia Lajoie, to be sworn, and the exhibits annexed thereto;~~

and

h. Such further and other documentary evidence as counsel may advise and this Honourable Court may permit.

DATE: October 18, 2013
AMENDED: January 23, 2017

KURTIS R. ANDREWS

Lawyer

P.O. Box 12032 Main P.O.

Ottawa, Ontario, K1S 3M1

Kurtis R. Andrews (LSUC # 5797AK)

Tel: 613-565-3276

Fax: 613-565-7192

E-mail: kurtis@kurtisandrews.ca

Lawyer for the Applicant

JEFFREY BOGALERTS
Applicant

-and-

ATTORNEY GENERAL OF ONTARIO
Respondent

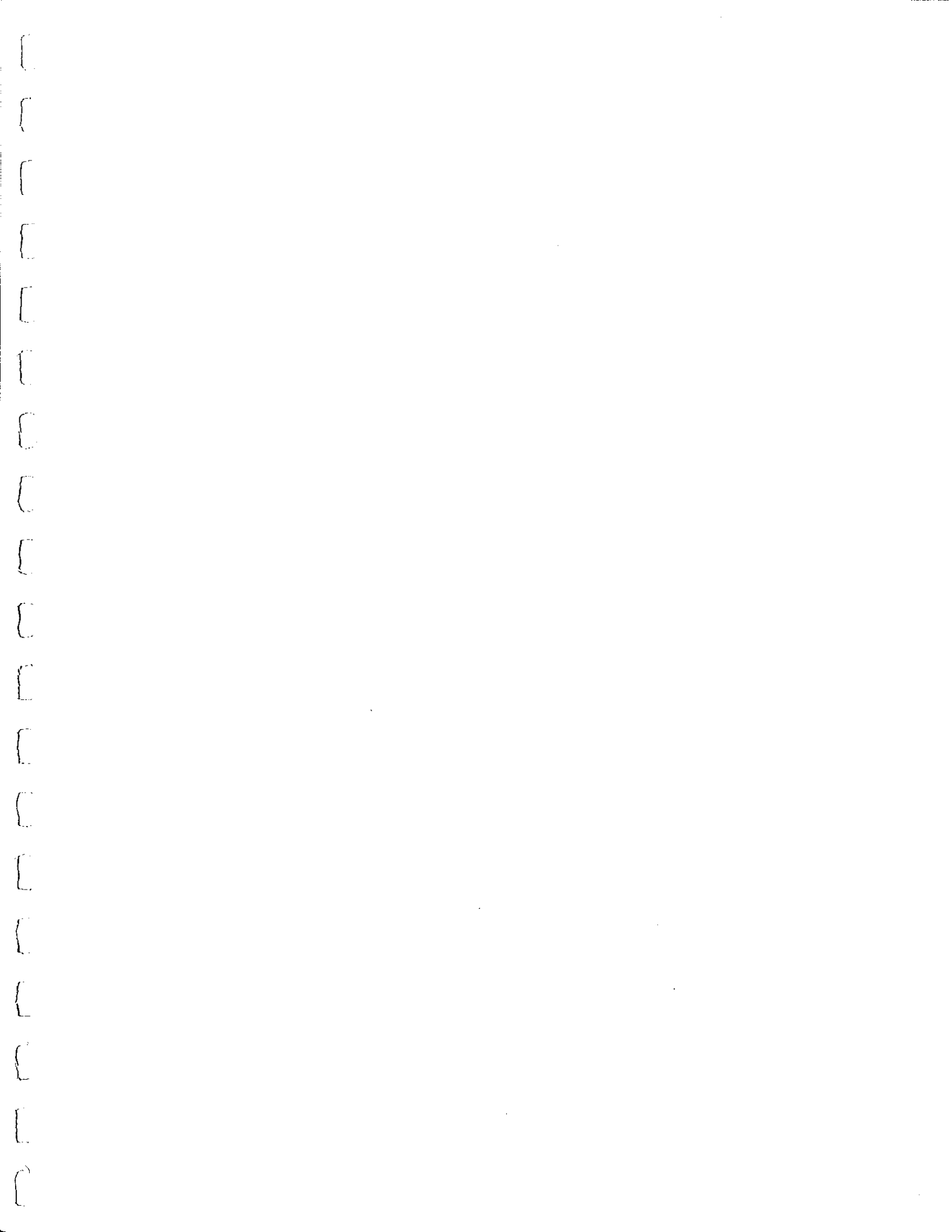
Court File No. 749/13

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
PERTH, ONTARIO

AMENDED NOTICE OF APPLICATION

KURTIS R. ANDREWS
Lawyer
P.O. Box 12032 Main P.O.
Ottawa, Ontario, K1S 3M1
Kurtis R. Andrews (LSUC # 57974K)
Tel: 613-565-3276
Fax: 613-565-7192
e-mail: kurtis@kurtisandrews.ca
Lawyer for the Applicant.



TAB 3

2. The provisions of the *OSPCA Act* which restrict the liberty of people, animal owners and animal custodians in Ontario do not accord with the principles of fundamental justice and, therefore, breach section 7 of the *Charter*;

1. The following is the legal basis for the constitutional question:
Section 18.1 of the *OSPCA Act*, by providing for a term of imprisonment following a conviction for an offence under the *Act*, restricts the liberty of people, animal owners and animal custodians in the province of Ontario, as defined under section 7 of the *Charter*;

1. The following are the material facts giving rise to the constitutional question:
A copy of the Notice of Application dated October 18, 2013 is attached and sets out the relevant facts and evidentiary basis of the Application.

The question is to be argued on a date and at a time to be set by the Registrar of the Superior Court of Justice at the Perth Courthouse, 43 Drummond Street east, Perth, Ontario, K7H 1G1.
The following are the material facts giving rise to the constitutional question:
The Applicant intends to question the constitutional validity of sections 1, 11, 11.1, 11.2, 11.4, 12, 12.1, 13, 14 and 18.1 of the *Ontario Society for the Prevention of Cruelty to Animals Act*, RSO 1990, c O.36, and claim a remedy regarding same under subsection 24 (1) of the *Canadian Charter of Rights and Freedoms* and section 52(1) of the *Constitution Act, 1982*.

NOTICE OF CONSTITUTIONAL QUESTION

Respondent

ATTORNEY GENERAL OF ONTARIO

-and-

Applicant

JEFFREY BOGARTS

BETWEEN:

ONTARIO
SUPERIOR COURT OF JUSTICE

Court File No. 749/13

because it is not rationally connected to the purpose of the legislation, the means of "distress" from section 1 of the Act, it cannot be saved by section 1 of the Charter

To the extent that section 12 of the OSPCA Act relies on and incorporates the definition of "distress" from section 1 of the Act, it is unconstitutionally vague and overbroad and, in turn, violates sections 7 and 8 of the Charter because it fails to adequately specify an appropriate standard for the issuance of warrants.

To the extent that section 12 of the OSPCA Act relies on and incorporates the definition of "distress" from section 1 of the Act, it is unconstitutionally vague and overbroad and cannot be saved by section 1 of the Charter;

To the extent that sections 1, 11.2(1), 11.2(2), 12, 12.1, 13 and 14 of the OSPCA Act rely on and incorporate the definition of "distress" from section 1 of the Act, these sections are unconstitutionally vague and overbroad and cannot be saved by section 1 of the Charter;

Ontario residents as little as possible; rationally connected to the purpose of the legislation and does not impair the rights of Charter and cannot be saved under section 1 of the Charter because it is not The definition of "distress" in section 1 of the OSPCA Act violates section 7 of the animals in Ontario;

overbroad in that it may capture acceptable and/or normal care and treatment of The definition of "distress" in section 1 of the OSPCA Act is unconstitutionally arbitrary exercise of their discretion;

direction to those issuing warrants or orders, as authorized by to the Act, to prevent The definition of "distress" in section 1 of the OSPCA Act does not provide sufficient direction to those enforcing the law to prevent arbitrary exercise of their discretion;

The definition of "distress" in section 1 of the OSPCA Act does not provide sufficient notice to the residents of Ontario respecting minimally acceptable care and treatment of animals in Ontario. The definition of "distress" in section 1 of the OSPCA Act does not provide fair in that it does not provide sufficient guidance for legal debate;

- chosen are not proportional to the limits put on peoples' rights, and it does not impair the rights of Ontario residents as little as possible;
12. Sections 11.4, 13 and 14 of the *OSPCA Act* grant powers of search and seizure which are unreasonable in their extent and contravene the constitutional standard of reasonableness prescribed by section 8 of the *Charter*;
13. To the extent that section 11.4 of the *OSPCA Act* confers upon OSPCA Officers the power to search private property at the complete discretion of the Officer, including property where a dwelling unit may be located, either alone or accompanied by any number of other persons as he or she considers advisable, and irrespective of any situation of urgency which makes judicial authorization impracticable, it is not reasonable and violates section 8 of the *Charter*;
14. To the extent that section 13(6) of the *OSPCA Act* confers upon OSPCA Officers the power to enter private property at the complete discretion of the Officer, including a dwelling unit, at any hour of the day or night into the future forever, either alone or accompanied by any number of other persons as he or she considers advisable, at any time and irrespective of any situation of urgency, it is not reasonable and violates section 8 of the *Charter*;
15. To the extent that sections 13(1) and 13(6) of the *OSPCA Act* conjunctively confer upon OSPCA Officers warrantless entry powers, subject only to an initial "reasonable grounds for believing that an animal is in distress" on the part of an OSPCA officer, and irrespective of taking any reasonable steps to confirm with a veterinarian that an animal is in distress, and irrespective of whether there is any situation of urgency which makes the obtaining of a search warrant impracticable, it is not reasonable and violates section 8 of the *Charter*;
16. To the extent that sections 13(1) and 13(6) of the *OSPCA Act* conjunctively confer upon OSPCA Officers warrantless entry powers, and an appeal of an Order issued under section 13(1) expires after only 5 business days, and while the entry powers prescribed under 13(6) go on forever, it is not reasonable and violates section 8 of the *Charter*;

therefore, breaches section 7 of the *Charter*;

investigations, it does not accord with the principles of fundamental justice and, and which raises said revenues by selling seized animals and other products of its to raise its own revenues to fund its investigations and salaries of the same Officers, officer" upon Officers of a private organization, an organization which is also trusted To the extent that section 11 of the *OSPSCA Act* confers "the powers of a police

22.

section 7 of the *Charter*;

it does not accord with the principles of fundamental justice and, therefore, breaches c. *Ombudsman Act*, R.S.O. 1990, c. O.6 and regulations passed thereunder;

b. *Freedom of Information and Protection of Privacy Act*, RSO 1990, c.F.31 and regulations passed thereunder;

a. *Police Services Act*, R.S.O. 1990, c. P.15 and regulations passed thereunder;

officer" upon OSPSCA Officers, and the OSPSCA and /or its Officers are not subject to: To the extent that section 11 of the *OSPSCA Act* confers "the powers of a police

21.

justice and, therefore, breaches section 7 of the *Charter*;

police officers in Ontario, it does not accord with the principles of fundamental officer" upon OSPSCA Officers, without statutorily prescribed restraints afforded to To the extent that section 11 of the *OSPSCA Act* confers "the powers of a police

20.

justice and, therefore, breaches section 7 of the *Charter*;

accountability or transparency, it does not accord with principles of fundamental officer" upon Officers of a private organization, with no public oversight, To the extent that section 11 of the *OSPSCA Act* confers "the powers of a police

19.

Ontario residents as little as possible;

are not proportional to the limits put on peoples' rights and do not impair the rights of *OSPSCA Act* cannot be saved by section 1 of the *Charter* because the means chosen Warrantless search and seizure powers provided by sections 11.4, 13 and 14 of the

18.

Charter;

judicial authorization impracticable, it is not reasonable and violates section 8 of the power to seize private property, irrespective of any situation of urgency which makes To the extent that section 14 of the *OSPSCA Act* confers upon an OSPSCA Officer the

17.

GREEN & ASSOCIATES
 Barristers & Solicitors
 712 - 170 Laurier Avenue West
 Ottawa, Ontario, K1P 5V5
 Kurtis R. Andrews (LSUC # 57974K)
 Tel: 613-560-6565
 Fax: 613-560-0545
 e-mail: krandrews@greenandassociates.ca
 Lawyers for the Applicant

DATE: October 21, 2013

23. Conferral of police powers upon Officers of a private organization, as prescribed by section 11 of the *OSPCA Act*, violates section 7 of the *Charter* and cannot be saved under section 1 of the *Charter* because the means chosen are not proportional to the limits put on peoples' rights and do not impair the rights of Ontario residents as little as possible;
24. The pith and substance of the *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1 of the *Act*, is of a moral issue related to criminal law, and constitutes an attempt by the province of Ontario to legislate in the area of criminal law;
25. To the extent that the *OSPCA Act* intrudes into criminal law, an area which is the exclusive jurisdiction of the Parliament of Canada, the *Act* is *ultra vires* the Province of Ontario for violating sections 91 and 92 of the *Constitution Act, 1982*;
26. The *OSPCA Act*, and especially sections 11.1, 11.2 and 18.1 of the *Act*, exposes Ontario residents to criminal prosecution while bypassing the protection provided by criminal law and procedure;
27. Sections 11.1, 11.2 and 18.1 of the *OSPCA Act* effectively duplicates the "Cruelty to Animals" section of the *Criminal Code*, namely sections 445.1 to 447.1, and said overlap supports an inference that the *OSPCA Act* serves a criminal law purpose;
28. The severity of penalties prescribed by section 18.1 of the *OSPCA Act* further characterizes the *Act* as criminal law; and
29. Such further and other grounds as counsel may advise and this Honourable Court may permit.

AND TO:

The Attorney General of Canada
Justice Building
234 Wellington Street
Ottawa, Ontario K1A 0H8
Fax: 613-954-1920

TO:

The Attorney General of Ontario
Constitutional Law Branch
4th floor, 720 Bay Street
Toronto, Ontario M5G 2K1
Fax: 416-326-4015

JEFFREY BOGAERTS
Applicant

-and-

ATTORNEY GENERAL OF ONTARIO
Respondent

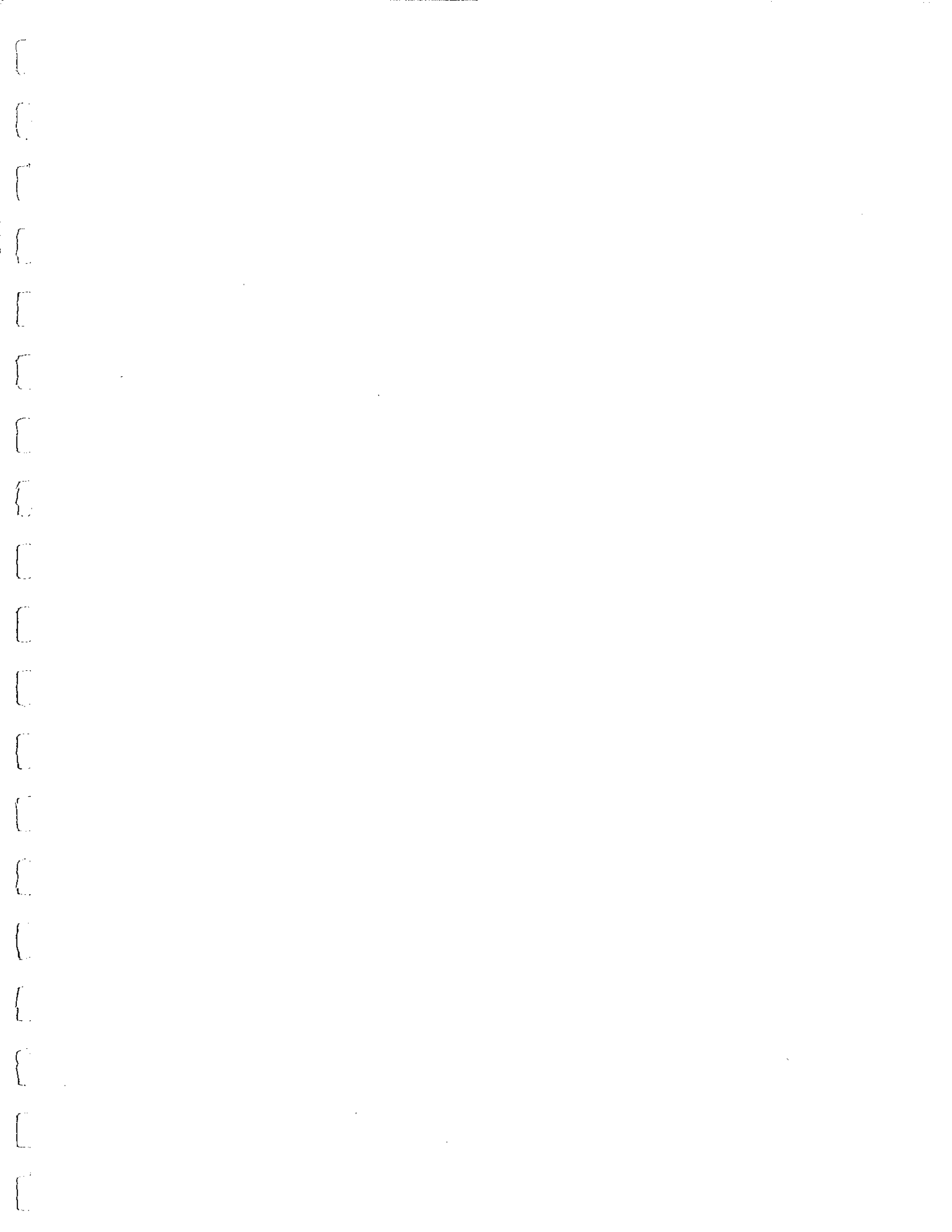
Court File No. 749/13

ONTARIO
SUPERIOR COURT OF JUSTICE

**PROCEEDING COMMENCED AT
PERTH, ONTARIO**

NOTICE OF CONSTITUTIONAL QUESTION

GREEN & ASSOCIATES LAW OFFICES
Barristers & Solicitors
712 - 170 Laurier Avenue West
Ottawa, Ontario, K1P 5V5
Kurtis R. Andrews (LSUC # 57974K)
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Fax: 613-560-0545
e-mail: krandrews@greenandassociates
Lawyers for the Applicant



TAB 4

CITATION: Bogarts v. Attorney General for Ontario, 2016 ONSC 3123
COURT FILE NO.: CV749/13
DATE: 2016/June 15

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Jeffrey Bogarts, Applicant

AND:

Attorney General for Ontario, Respondent

BEFORE: The Honourable Mr. Justice J. M. Johnston

COUNSEL: Counsel for the Plaintiff, K. Andrews

Counsel for the Defendant, H. Schwartz

HEARD: January 29, 2016

RULING ON MOTION

[1] This is a Ruling in response to a Motion commenced by the Respondent, The Attorney General of Ontario (AGO), who seeks an Order striking out the Notice of Application. The AGO, in the alternative, seeks an Order striking out the Affidavits of the Applicant, Jeffrey Bogarts, sworn July 1, 2014 and February 18, 2015 and the Affidavits of Jessica Johnson, Menno Steicher and Probst, Dr. Lawrence Gray, Carl R. Noble and Mark Killman. In the further alternative, an Order striking out portions of the Affidavits as set out in a chart submitted to this Court during the court of hearing.

[2] The AGO seeks to strike the Application on the grounds that the moving party does not have either a private or public interest and/or standing to challenge the constitutional validity of the impugned provisions of the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, S.O. 36.

[3] In the event the Court grants standing to the Applicant, the AGO seeks to strike the Applicant's Affidavits on the basis that they are irrelevant to validity of the impugned legislation and questions of law that are in issue before this Court.

Issue of Standing:

Background:

[4] Jeffrey Bogarts brings an Application under Section 52(1) of the Constitution Act, 1982, for a declaration that parts of the Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA) are unconstitutional.

[5] The AGO argues that the Applicant lacks personal standing to bring this Application. The Respondent argues that the Applicant has never been personally inspected, investigated or directly affected by the OSPCA. He has never been the subject of a search of his property by the Society's inspectors, nor has he been brought before the Animal Care Review Board or subjected to Provincial Offences prosecution for failure to comply with the Act.

[6] Further, the AGO argues that the Applicant does not meet the test for public interest standing. He fails to satisfy any of the three factors that are to be weighed in the granting of such standing:

- (i) whether there is a serious justiciable issue raised;
- (ii) whether the Applicant has a real stake or genuine interest in it; and
- (iii) whether, in all the circumstances, the proposed Application is a reasonable and effective way to bring the issue before the Courts.

The Applicant's standing to bring this application:

Analysis:

[7] For reasons that follow, I find that the Applicant lacks personal standing to bring this Application. However, I find that the test for public interest standing has been met and, accordingly, permit the Applicant bringing this Application.

Private interest standing:

[8] I do not agree with the Applicant that the nature of his Application is identical to *Cochrane v. Ontario (Attorney General)* [2007] O.J. No. 1090. The fact the Applicant owns and cares for animals does not in and of itself give rise to standing, to challenge the constitutionality of the legislation.

[9] I agree with the Applicant's argument that he need not first be subject to charges or even an investigation by the OSPCA to maintain standing. However, the legislative obligations set out in the Act do not make him "exceptionally prejudiced" in the same manner as *Mrs. Cochrane* was as the pitbull owner. I concur that in some cases a private party can initiate proceedings for the sole purpose of challenging the constitutional validity of legislation, even if she has no right of damages or other relief. However, this is not such a case.

[10] The Applicant seeks a declaration that the Act is invalid and, as such, he must establish that he is personally directly affected by the impugned provisions. The British Columbia Court of Appeal found in *Kitimat (District) v. Alcan Inc.* (2006) B.C.A. 75 at para. 92:

A simple claim to declaratory relief, in the absence of some adversely affected legal interest does not give the Court an overriding discretion to grant that relief, and to ignore the legal principles governing private interest standing.

[17] I adopt the comments of the Supreme Court of Canada SCC in *Canada (Attorney General) v. Downtown East Sex Workers United Against a Violent Society* supra at paragraph 28:

[16] Second, I conclude that the Applicant does have a real stake and/or a genuine interest in the constitutionality of the Act. I do not agree with the AGO's characterization that the Applicant has all of the hallmarks of a "busybody".

[15] The Notice of Constitutional Question raises the broad issues of whether or not the OSPCA Act encroaches upon Federal Constitutional powers, i.e., whether the "pith and substance" of the legislation is criminal law, whether the definition of "distress" in Section 1 of the OSPCA Act is unconstitutionally vague and whether provisions of the OSPCA Act confer "the powers of a police officer" upon officers of a private organization, with no public oversight, accountability or transparency.

[14] The AGO argues that the Application is aimed "at the wrong target and is seriously misplaced".

[13] The grounds and legal basis for the Applicant's Application are properly set out in his Notice of Application and Notice of Constitutional Question. This is not a Motion for Summary Judgment. The Notice of Application and Constitutional Question both raise serious justiciable issues.

- (i) whether there is a serious justiciable issue raised;
- (ii) whether the Applicant has a real stake or genuine interest in it; and
- (iii) whether in all the circumstances the proposed Application is a reasonable and effective way to bring the issue before the Courts.

[12] I find that the Applicant does satisfy the test set out in *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against a Violent Society* (2012) S.C.C. 45 at para. 37, as follows:

Public interest standing:

The *substantum* of principles shared by the doctrine of mootness and the doctrine of standing include the "natural reluctance on the part of the Courts to exercise jurisdiction otherwise than at the instance of a person who has an interest in this subject matter of the litigation in conformity with the philosophy that it is for the Courts to - decide actual controversies between parties, not academic or hypothetical questions". See *Robinson v. Western Australian Museum* (1977) 138 CLR 283 at 327.

[11] One must be aggrieved or directly affected by the impugned provisions. *Watson, J.* stated in *Larouche v. Court of Queens Bench of Alberta* (2015) ABQB 25 at para. 47:

- [22] Second, I turn to deal with the Applicant's [AGO's] alternative argument that the evidence file in support should be struck.
- [21] The Court is always concerned that unmeritorious cases not use up scarce judicial resources. Given the lack of challenge to the constitutionality of the Act in the past, it is unlikely that allowing the Applicant standing on the basis of "public interest" will "open the floodgates". In all of the circumstances, I conclude that it is proper to exercise the Court's discretion to grant public interest standing.
- [20] I concur with the Applicant that, while it is theoretically conceivable to bring some of the issues featured in this Application before the Court by way of other proceedings, it is unreasonable to suggest that all of the issues that make up the Application would apply to any one proceeding before the Ontario Court of Justice or the Animal Care Review Board. If counsel, with the assistance of the Court, properly frames the arguments, the matter can be dealt with in an efficient manner.
- [19] Finally, I conclude that, in all of the circumstances, the proposed Notice of Application is a reasonable and effective way to bring the issues before the Courts. The AGO argues that there are other reasonable and effective ways in which these issues can be before the Court. The Application Record contains the Affidavits of individuals who have been directly affected by the OSPCA including individuals who have been subject to proceedings before the Animal Care Review Board. The AGO argues that any one of the dependents of these Affidavits is "more directly affected" by the legislation than the Applicant.
- [18] I conclude that the Applicant has a genuine interest. The Applicant works as a paralegal with a law firm that deals with this area of the law. He has further developed a genuine interest through volunteering in the community to assist with vulnerable people affected by the subject legislation and the Applicant is an animal owner. While his interest as an animal owner does not entitle him to the "private interest" standing, it is a factor to consider under this heading.
- [1975] 1 S.C.R. 138, at p. 145.
- These concerns about a multiplicity of suits and litigation by "busybodies" have long been acknowledged. But it has also been recognized that they may be overstated. Few people, after all, bring cases to court in which they have no interest and which serve no proper purpose. As Professor K. E. Scott once put it, "[t]he tale and whimsical plaintiff, a dilettante who litigates for a lark, is a specter which haunts the legal literature, not the courtroom". "Standing in the Supreme Court — A Functional Analysis" (1973), 86 Harv. L. Rev. 645, at p. 674. Moreover, the blunt instrument of a denial of standing is not the only, or necessarily the most appropriate means of guarding against these dangers. Courts can screen claims for merit at an early stage, can intervene to prevent abuse and have the power to award costs, all of which may provide more appropriate means to address the dangers of a multiplicity of suits or litigation brought by mere busybodies: see, e.g., Thorson v. Attorney General of Canada, 1974 CanLII 6 (SCC).*

[23] The AGO argues in the alternative if the Court does not strike the Application on the basis of standing, then it should strike the Applicant's evidence in its entirety, impose a timetable for hearing of the constitutional challenge on the merits.

[24] For the reasons that follow I strike all Affidavits except for the Applicant's initial Affidavit sworn July 31, 2014 with certain exceptions.

Reasons to Strike

[25] Mr. Bogaerts agrees to strike some of the contents of the Affidavits filed in support of the Application if the Court deems it necessary or preferable to do so at this stage. The Applicant argues that the Affidavit information is necessary to give context and background to the constitutional issues raised. At paragraph 31 of his Factum, the Applicant states "it should go without saying that it is not unusual for an Affidavit to contain information that is not necessarily directly relevant to the proceedings, but it is nevertheless helpful to produce a coherent narrative and context to the Affidavit".

[26] The Applicant filed numerous Affidavits alleging that inspectors, officials, employees and agents of the Ontario Society for the Prevention of Cruelty to Animals (the "Society") and members of the Animal Care Review Board have engaged in conduct that infringes or denies the Charter rights of non-parties.

[27] I agree with the position of the AGO, the Affidavits of Jessica Johnson, Anne Probst, Dr. Lawrence B. Gray and Carl R. Noble are irrelevant to the issue of whether or not the OSPCA Act is unconstitutional.

[28] The Supreme Court of Canada has repeatedly held that where a Charter challenger is complaining about the exercise of discretion by government officials, the proper target of the challenge is not the statutory provision granting the discretion itself, but to the specific exercise of discretion:

Nor can improper conduct by the State actors charged with enforcing legislation render what is otherwise constitutional legislation unconstitutional. Where the problem lies with the enforcement of a constitutionally valid statute, the solution is to remedy that improper enforcement not to declare the statute unconstitutional. Little Sisters Book and Art Emporium v. Canada (Minister of Justice), (2000) S.C.C. 69 at para 133-35.

R v. Khawaja (2012) S.C.C. 69 at para 83.

[29] The Affidavits in question challenge specific officials purporting to act pursuant to the legislation. It is those actions and not the constitutional validity of the legislation that is raised in the various Affidavits filed in support of the Notice of Application.

[30] Permitting the Affidavits into the evidence in this Application will unduly lengthen the proceedings and require the Respondent to respond to unnecessary allegations. Some of the allegations raised in the Affidavits could have and should have been argued in the appropriate forum at the appropriate time. This Court will not permit this Application

regarding the constitutional questions raised to devolve into a re-examination of past cases and allegations of impropriety by agents purporting to act under the legislation. Further, the Society is not a party to this Application. Many of the allegations, in fairness, would require the Society to be afforded an opportunity to file response.

[31] I have concluded that there is a justiciable issue raised in the Notice of Application, however, it is not in relation to past actions of agents of the OSPCA.

[32] I will permit the Applicant's original Affidavit sworn July 23, 2014 at Tab 3 to stand as amended by agreement at paragraph 36 of the Applicant's Factum. Paragraph 13 of the Affidavit is struck.

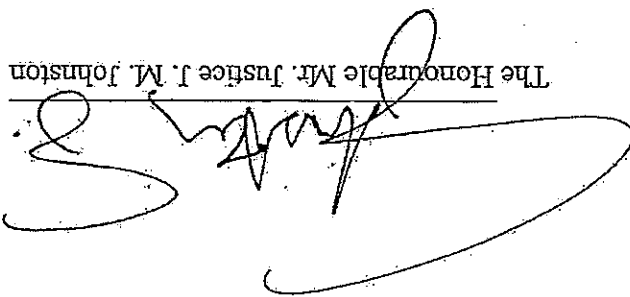
[33] I permit the Affidavit of the Applicant to stand on the basis that it is of some use to the framing of the issues raised in the Notice of Application.

[34] I permit the Affidavit of Jeffrey Bogarts of February 18, 2015 on the same grounds, except for paragraph 4 and Exhibit "C" thereto. This evidence is irrelevant and not admissible.

[35] I am seizing myself of case management of this file and direct that counsel for the parties contact the Trial Coordinator and arrange for a case management meeting to discuss the issues moving forward on scheduling including, as I understand, a further Motion by the Applicants for funding.

[36] In the event that there is an issue regarding costs of this Motion, submissions may be made to me at the Perth Courthouse in writing limited to three pages, with a Bill of Costs within twenty-one days and reply fourteen days thereafter.

The Honourable Mr. Justice J. M. Johnston



Date: June 15, 2016

TAB 5



~~constitutionality of the OSPCA Act have been determined by the Court.~~
~~except satisfaction that the questions being asked with respect to this application and the~~
~~unconstitutional. I do not stand to gain anything from the outcome of this application,~~
~~the OSPCA, and it is my belief that various provisions of the OSPCA Act must be~~
~~involving the OSPCA and have personally attended several court proceedings involving~~
~~I have brought this application in the public's interest. I have read about various incidents~~

3. makes me subject to the *OSPCA Act*.
 Animals [OSP] investigation or inquiry, the fact that I own and care for animals
 While I have never been subjected to an Ontario Society for the Prevention of Cruelty to
 For most of my life, including presently, I have owned and cared for animals in Ontario.

2. sources, I have identified the source and I believe those facts to be true.
 own knowledge and are true. Where I have indicated that I have obtained facts from other
 matters herein deposed. Unless I indicate to the contrary, these matters are within my
 I am the applicant of the above application, and as such have direct knowledge of the

1. I, JEFFREY BOGARIS, of Lanark County, in the Province of Ontario, MAKE OATH AND
 SAY:

AFFIDAVIT OF JEFFREY BOGARIS
 (sworn July 31, 2014)

Respondent

ATTORNEY GENERAL OF ONTARIO

-and-

Applicant

JEFFREY BOGARIS

BETWEEN:

**ONTARIO
 SUPERIOR COURT OF JUSTICE**

Court File No. 749/13

4. Through research done by me and /or my lawyer, I have obtained the following documents which I believe may be relevant to these proceedings.

5. The OSPCA is a private provincial charity, with police powers granted through section 11 of the OSPCA Act. The OSPCA has a self described mission to "facilitate and provide for province-wide leadership on matters relating to the prevention of cruelty to animals and the promotion of animal welfare" and self described goals which include "to be a strong, united and collaborative organization dedicated to the cultivation of a compassionate Ontario for all animals". A copy of the OSPCA "Background" and "Fact Sheet" from the OSPCA's website is attached as Exhibit "A" to this my affidavit. While such a mission and goals may be noble in nature, I also believe that it demonstrates ideological activism on behalf of the OSPCA.

6. The OSPCA has expressly set out goals it wishes to achieve with respect to animal welfare. Such goals have been determined privately and internally, and are formally set out at section 1 of the OSPCA's Agent and Inspector Training Manual. A copy of excerpts from the OSPCA Training and Reference Manual, Section 1, Animal Welfare Position, Statements are attached as Exhibit "B" to this my affidavit. I believe that such goals are extreme and indicative of an activist agenda of the OSPCA. Such goals are similar to those of other activist groups, such as People for the Ethical Treatment of Animals (PETA). For example, a copy of PETA's Basic Care Standards for Dairy Farmed Cows is attached as Exhibit "C" to this my affidavit.

7. In addition to privately and internally setting out policies to follow and goals to strive for while administering the law, the OSPCA has also negotiated agreements with other private organizations to determine how it will administer the law with respect to such

organization with no government oversight. The OSPCA's by-laws set out the corporate structure and voting procedures. Among the voting rules set out in the bylaws, the bylaws set out provisions which give more power to members (branch affiliates) that raise

~~Unlike every other agency in Ontario with police powers, the OSPCA is a private~~

9.

Voice, is attached as Exhibit "R" to this my affidavit.

is not prohibited under the law. A copy of the OSPCA's winter 2006 magazine, *Animals*, especially concerning given the OSPCA's open deployment of animal exhibition, which and aquariums registry is attached as Exhibit "R" to this my affidavit. Such policies are under the law. A copy of a newspaper report quoting the OSPCA with respect to the zoos

~~information (which they are not legally obligated to disclose) will be treated differently~~

~~more scrutiny". In other words, facilities that do not register and disclose private~~

the OSPCA has promised that "[zoos and aquariums] that don't join will be subject to to the OSPCA. The registry is not legally prescribed, and is described as "voluntary", but aquariums and other animal exhibit operators to register and disclose private information The OSPCA has also implemented a zoos and aquariums registry which requires zoos,

8.

associated with these MOUs are attached as Exhibit "D" to this my affidavit.

groups refuse to release a copy of the respective MOUs. A copy of media releases Kurtis Andrews, and verily believe it to be true, that the OSPCA and the above livestock

~~being treated differently under the law by the OSPCA. I have been advised by my lawyer,~~

~~agreement on investigative practices. Such MOUs effectively result in some individuals~~

entered into "Memorandums of Understanding" [MOU] with the OSPCA, including an Chicken Farmers of Ontario, Ontario Pork and Ontario Sheep Marketing Agency, have organizations' members. Various farm organizations, including Dairy Farmers of Ontario,

greater revenues. Such revenues include proceeds from seized animals and donations inspired by promoting investigations and charges laid against people. A copy of Ontario Society for the Prevention of Cruelty to Animals; By-law Number Nine is attached as Exhibit "G" to this my affidavit. A copy of OSPCA Annual Reports are attached as Exhibit "H" to this my affidavit.

10. To the best of my knowledge, the OSPCA is the only private organization with police powers in Ontario. As a private organization, the OSPCA is excluded from provincial oversight and accountability legislation. Most notably:

a. Pursuant to the *Police Services Act*, the OSPCA does not fall under the definition of a "police force", and OSPCA agents and inspectors do not fall under the definition of "police officer". This means that complaints about the OSPCA and its officers cannot be brought to Ontario's Independent Police Review Director pursuant to section 5 of the *Police Services Act*.

b. Pursuant to the *Ombudsman Act*, the OSPCA does not fall under the definition of a "governmental organization", which means that complaints about the OSPCA and its officers cannot be brought to Ontario's Ombudsman pursuant to the *Ombudsman Act*. The Ombudsman has recognized the problem with delegating legislative powers to non-governmental agencies with no or inadequate oversight. A copy of 2011-2012 Ombudsman Annual Report is attached as Exhibit "I" to this my affidavit. A copy of 2012-2013 Ombudsman Annual Report is attached as Exhibit "J" to this my affidavit; and

c. Pursuant to the *Freedom of Information and Protection of Privacy Act* and *Municipal Freedom of Information and Protection of Privacy Act*, the OSPCA does not fall under the definition of an "institution", which means that information about the OSPCA and policies of the OSPCA, as well as information being kept by the OSPCA about people subjected to investigators or other members of the public, cannot be accessed pursuant to the *Freedom of Information and Protection of Privacy Act* or *Municipal Freedom of Information and Protection of Privacy Act*. A copy of a document titled "Making an Access Request to a Police Service" is attached as Exhibit "K" to this my affidavit.

11. The OSPCA is on record confirming that proceeds from seized animals and revenues associated with recovering costs associated with seized animals are entered into the OSPCA general revenue accounts. Such accounts also serve to pay the salaries of

OSPSCA Agents and Inspectors, meaning that OSPSCA officers' salaries are directly linked to the financial products of their investigations. An excerpt from the cross-examination of OSPSCA Chief Inspector Connie Mallory, on record as part of Court File No. SR11-992, is attached as Exhibit "L" to this my affidavit.

12. In recent years, the OSPSCA has been suffering from increased financial deficits. I believe that such a situation with a police agency, with no government financial backing, creates a dangerous situation where decisions of the OSPSCA through the course of their investigations may be prone to financial influence. A copy of OSPSCA Audited Financial Statements are attached as Exhibit "M" to this my affidavit.

13. The OSPSCA has expressly stated that it considers the expectations of donors when it enacts policy respecting its approach to enforcing animal welfare laws. More specifically, the OSPSCA has recognized that its "tough" approach to law enforcement is expected from its donors who ultimately pay for agent and inspector's salaries and resources. A copy of the OSPSCA's summer 2006 magazine, *Animals' Voice*, is attached as Exhibit "N" to this my affidavit.

14. The OSPSCA provides both shelter services and law enforcement. The OSPSCA Act provides seizure powers and statutory authority to obtain ownership of animals through its law enforcement powers. The OSPSCA also sells animals and uses stories associated with "rescued" animals to promote and inspire donations associated with its shelter services. I believe that these two components of the OSPSCA are in an inherent and ongoing conflict of interest with each other, and it inevitably leads situations where seizures of animals may be influenced by financial interests of the OSPSCA. A copy of

OSPSCA press releases from the OSPSCA's website are attached as Exhibit "O" to this my

affidavit.

15. On March 1, 2009, amendments to the OSPSCA Act came into force. The amendments

included, for the first time, offence provisions prohibiting the causing or permitting

animals to be in distress, and failing to provide prescribed standards of care. I believe that

these offence provisions are, in both form and substance, animal offences. These provisions

interdict conduct in the interest of public morals. Even the OSPSCA views these

provisions in this way, describing these provisions as dealing with "animal abuse" and

"animal cruelty". By enacting these provisions through provincial law, such sections of

the Act deny individuals the procedural protections of the criminal law, while convictions

under these provisions nevertheless impart the stigma of a criminal offence. A copy of

OSPSCA press releases from the OSPSCA's website, describing such offences in this way,

are attached as Exhibit "P" to this my affidavit.

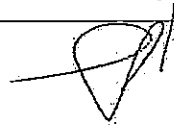
16. I make this affidavit in support of the within application and for no other or improper

purpose.

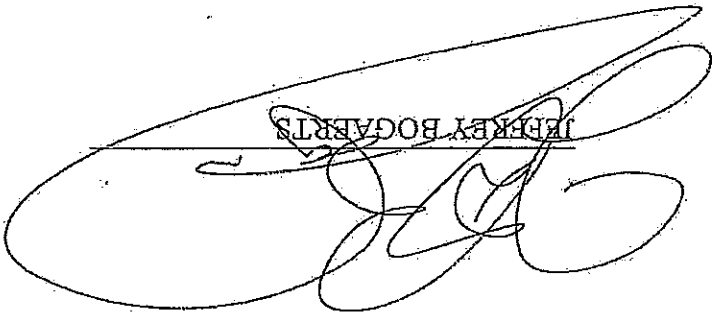
SWORN before me

at the City of Ottawa,
in the Province of Ontario,
on this 31st day of July, 2014.

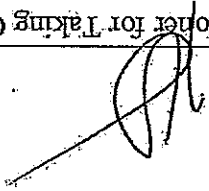
A commissioner etc.



JERRY BOGARTS



Commissioner for Taking Oaths

A handwritten signature in black ink, appearing to be the initials 'R' or 'B', is written over a horizontal line that underlines the text 'Commissioner for Taking Oaths'.

This is Exhibit "A" referred to in the
Affidavit of Jeffrey Bogerts
sworn before me, this 31st day of July, 2014.

When entering one of our facilities, each animal is given his/her own animal care plan. The animal's best interests are always at the forefront of all decisions we make, including adoption, foster care, veterinary care, transfer to other adoption centres, or rescue groups or, in some cases, euthanasia.

The Ontario SPCA is an open admission, For Life, organization, we strive to accept all animals.

What is the Animal Welfare Philosophy of the Ontario SPCA?

Ontario for all animals.

The Society's goal is to be a strong, united and collaborative organization, dedicated to the cultivation of a compassionate

Our Goal

- All Ontarians respect and appreciate animals
- Ontario has no homeless animals and no animal abuse

The future for Ontario that the Ontario SPCA is working to help create:

The Ontario SPCA is seen as the recognized authority on animal welfare issues and making a measurable difference for animals. The Ontario SPCA is an integral part of each community, promoting mutually beneficial human-animal interactions, and is viewed as a desirable organization for volunteerism and support.

Our Vision

The Ontario SPCA's mission is to facilitate and provide for province-wide leadership on matters relating to the prevention of

cruelty to animals and the promotion of animal welfare.

Our Mission

- Cruelty Investigations
- Sheltering and Adoptions
- Government and Industry Advocacy
- Humane Education
- Reducing Pet Overpopulation
- Emergency Rescue and Treatment
- Reuniting Lost Pets with their Owners

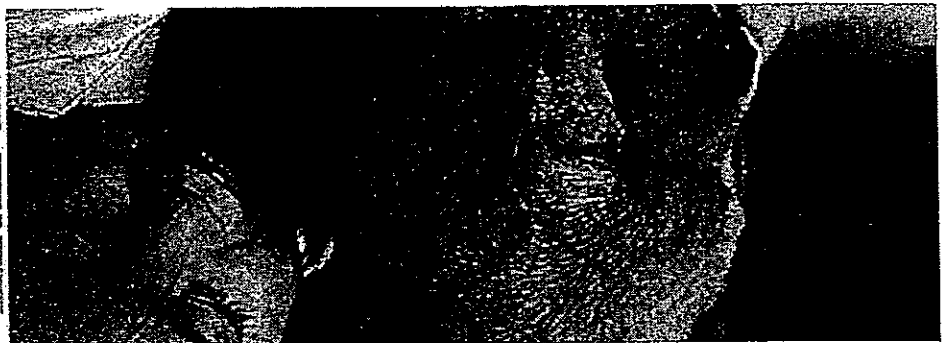
The Society's programs and services include:

The Ontario SPCA is unique amongst animal welfare organizations in Ontario: the Ontario SPCA Act mandates the Society to enforce animal cruelty laws and provides Society Branch and Affiliate investigators with police powers to do so.

Through its province-wide network of 50 plus Communities, the Ontario SPCA is one of the largest, most responsive animal welfare organizations in the country, providing care and shelter for tens of thousands of animals every year.

Background

Home » INSIDE THE OSPCA » Background



Quick Links

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Like

34,790 people like Official Ontario SPCA Page.

Facebook social plugin

Community Locator

Click to View Enlarged Map

Your postal code

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- INSIDE THE OSPCA
- WHAT WE DO
- WAYS TO GIVE
- GET INVOLVED
- MEDIA CENTRE
- CONTACT US
- ADOPT
- REPORT CRUELTY
- DONATE NOW!

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8+10

Level

FRIDAY, MAY 02 | 09:24 AM

Our staff are professionals who work in this field because they love animals, and the decisions they make are made for the good of the animal and of the communities that they will live in.

Our Animal Welfare philosophy leads us to focus on optimum solutions for animals in our shelters including high-volume spay/neuter services, adoption programs like Meet Your Match, animal fostering, animal transfer programs, humane education for the prevention of cruelty, enforcement of the Ontario SPCA Act and rescue & relief services.

The Ontario SPCA works in partnership with many organizations to ensure that optimum animal care strategies are available for communities across Ontario and we extend our programs and resources to Animal Welfare organizations across the province and around the world.

What is a "No Kill" facility?

The term "no kill" can be a contentious one in animal sheltering and the term is used differently by different groups. A true "no kill" facility is one where animals are kept alive at any cost, and no animal is euthanized, regardless of state of health (including emotional health) or temperament.

Unfortunately, many of these facilities do not recognize that emotional and behavioural suffering is just as damaging as physical suffering, and/or will adopt only animals with aggressive temperaments who are a danger to the community. For example, if an animal is physically healthy, but is showing signs of emotional distress in the form of behaviours caused by living in a kennel or cage for years, a true "no kill" facility would keep the animal alive, without consideration for the emotional and behavioural suffering this animal is experiencing.

Ideally, the animal would be provided with in-shelter enrichment and/or the opportunity to go to foster care to alleviate the emotional distress, but this isn't always an option for many facilities. Unfortunately, many of these facilities are more like "warehouses" for animals, rather than safe havens.

There are other groups who refer to themselves as "no kill", who actually will euthanize animals, thereby negating the term "no kill". Often these groups euthanize only for health related reasons and often only in the case where the animal could not live without on-going physical suffering.

Again, these can be places that do not recognize or treat emotional or behavioural distress or suffering.

There are also "limited admission" facilities that often also refer to themselves as "no kill".

These facilities pre-screen the animals admitted into their shelter, usually choosing not to admit animals who suffer from minor-to-major behavioural problems, aggression, or suffer from any illness.

These groups often take only the "easiest" to adopt animals, thereby allowing them to say they are "no kill" simply because the animals they take in are "easy" animals to adopt back out again. Other animals who do not meet the admission requirements are simply referred to other facilities.

If a shelter has a "no kill" policy, it is important for the public to ask the shelter to define the "no kill" policy, so that the public may understand with definition the shelter is practicing.

The ASPCA has a similar philosophy towards "no kill" facilities:

The ASPCA believes that unwanted pets deserve a dignified, painless death rather than suffer from such cruelties as malnutrition, disease or trauma, outcomes commonly associated with an unwhimpered and/or uncared-for existence. Similarly, long-term housing of individual dogs and cats in cages without access to exercise or social activities is not an acceptable alternative. Euthanasia must be understood for what it is: a last-step, end-of-the-road option to spare animals further hardship and suffering."

For more information on the ASPCA, please visit www.aspca.org.

Ontario SPCA Financials



View the complete set of financial statements here.

View the 2012 Annual Report here.

Ontario SPCA Board of Directors

- Isaac Bredner
- Ann Davidson
- Judy Decco
- Craig Gagliano
- Rob Godfrey (Chair)
- Stewart Hill
- Ron Hunt
- Catherine MacNeil
- Rita Middleton
- Helen Renaud
- Chris White
- Karl Wilson (Vice Chair)

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- Tom Stephenson - Chief Financial Officer
- Connie Mallory - Chief Inspector
- Dr. Magdalena Smidje, D.V.M. - Chief Veterinary Officer
- Tanya Fritzsche - Director, Animal Welfare & Operations
- Debbie Schepens - Director, Human Resources
- Marc Rakky - Director, Community & Donor Development
- Dave Wilson - Director, Shelter Health & Wellness
- Alison Cross - Director, Marketing & Communications

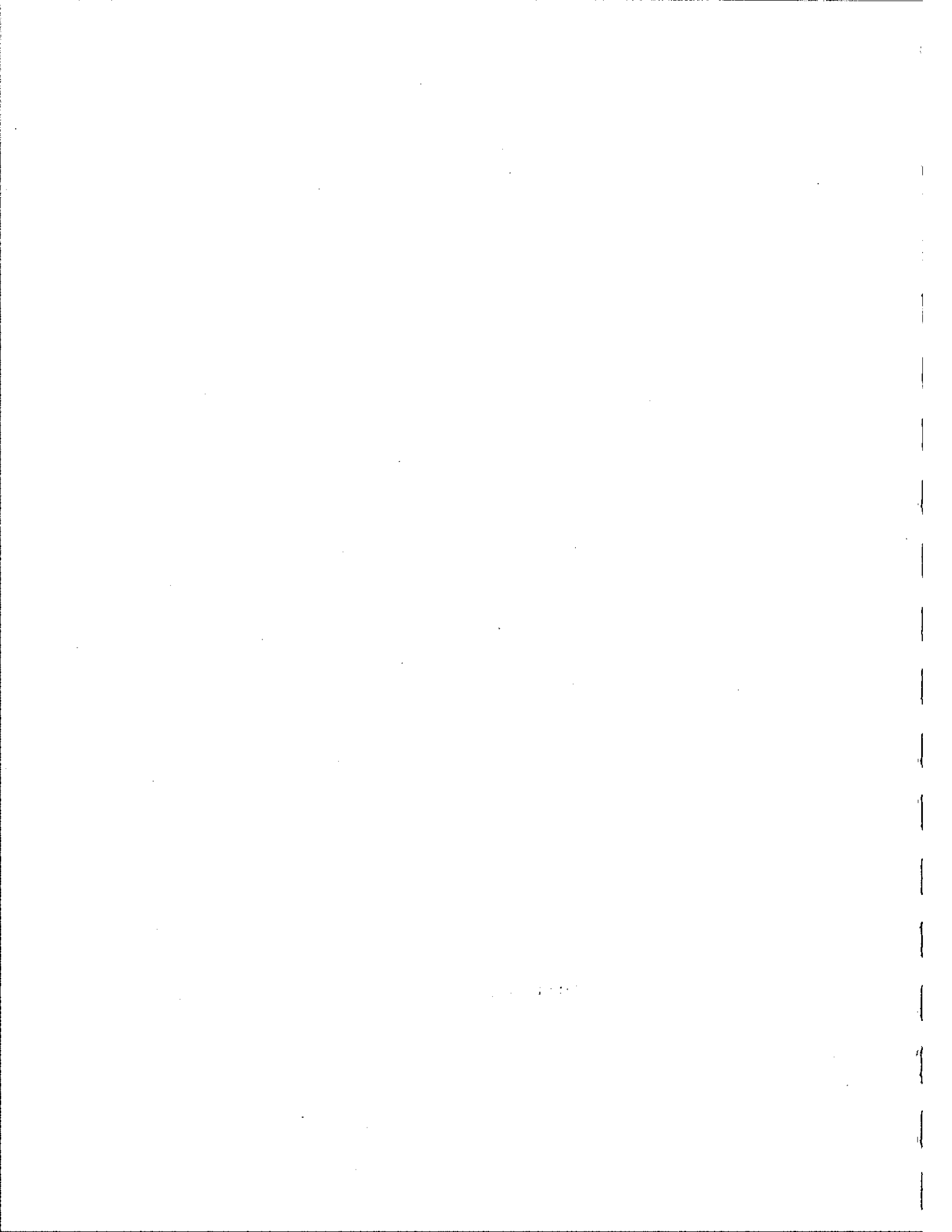
Ontario SPCA

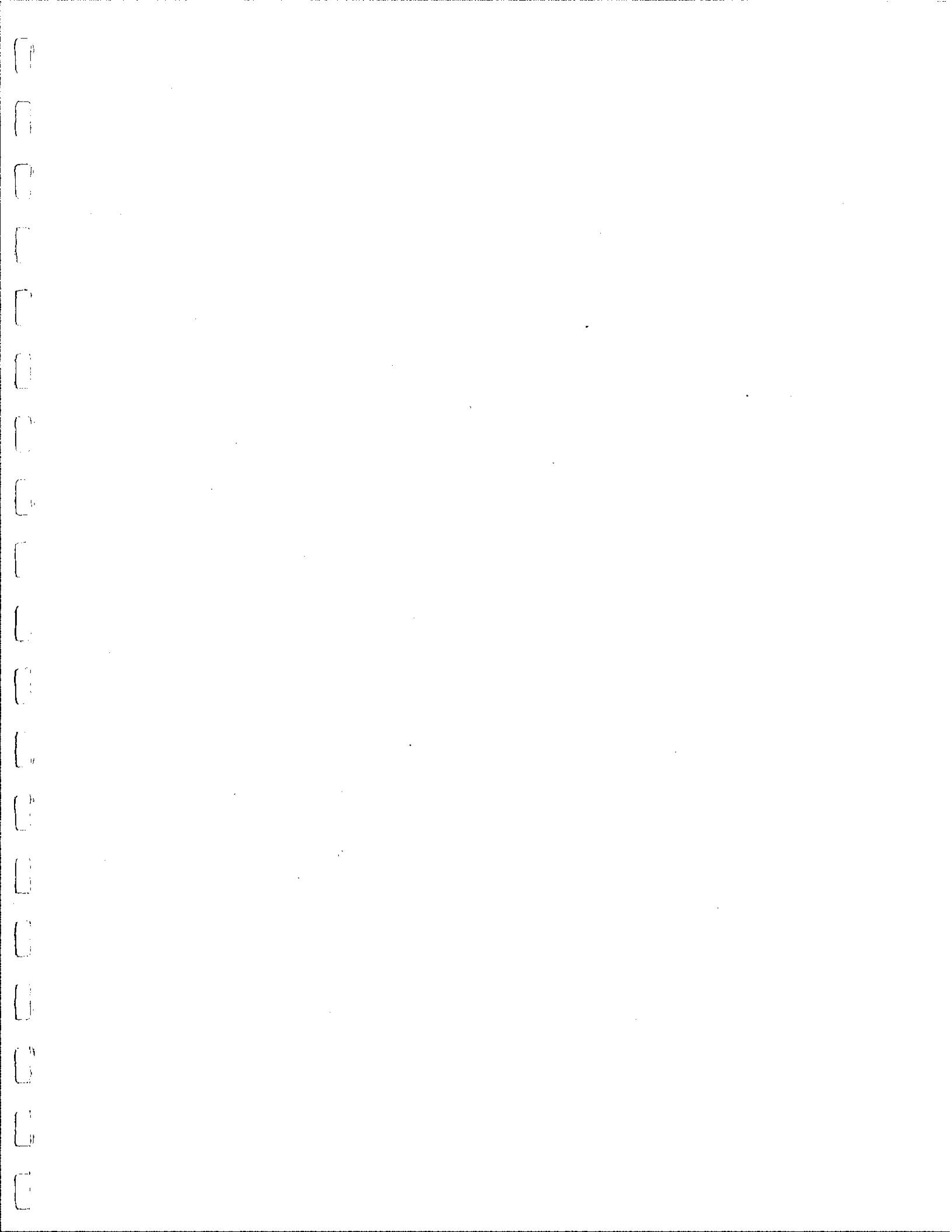
Ontario SPCA is a not-for-profit organization registered in Ontario, Canada. We are a registered charity under the Income Tax Act (R.C.S.P. 800011129) and are a member of the Ontario Society of Charitable Foundations (OSCF).



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Ontario SPCA Fact Sheet

Facilities:

- Lincoln County Spay/Neuter Services (St. Catharines)
- Marion Vernon Memorial Animal Clinic (Barrie)
- Newmarket Spay/Neuter Services (Newmarket)
- Ontario SPCA Provincial Education & Animal Centre (Newmarket)
- Provincial Office (Newmarket)

- Programs & Services
- Cruelty Investigations
- Sheltering and Adoptions
- Government and Industry Advocacy
- Humane Education
- Reducing Pet Overpopulation
- Emergency Rescue and Treatment
- Reuniting Lost Pets with their Owners
- Support for more than 50 Ontario SPCA Communities
- Animal care and wildlife education opportunities
- Administrative and financial support
- Legal Services
- Public relations, marketing and fundraising assistance
- Information and resource sharing
- Leadership on community and provincial animal welfare issues and shelter operations

Publications
Annual Report 2013

Animal Care Statistics in 2013
The Ontario SPCA placed the following animals in permanent adoptive homes in 2013:
4,342 cats
2,054 dogs
437 small animals

- Initiatives
- Spay/Neuter promotion
- Meet Your Match Adoption Program
- Friends for Life! provincial walk-a-thon
- National Cupcake Day for SPCAs and Humane Societies
- No Hot Pets
- And more



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2013 Spay/Neuter Statistics
 Number of Dogs Spayed 2,743
 Number of Dogs Neutered 3,190
 Number of Cats Spayed 5,169
 Number of Cats Neutered 3,863
 Total procedures: 14,985

Investigations Statistics in 2013
 17,680 Complaints Investigated
 2,320 Orders Issued
 259 Provincial Charges Laid
 29 Criminal Charges Laid
 2,469 Animals Removed as a Result of an Investigation

Branches

Barrie - Bruce-Grey - Huron County (Godolphin) - Kent County (Chatham) - Leeds & Grenville (Braceville) - Lennox & Addington (Japanez) - Midland & District - Muskoka (Bracebridge) - Orangeville & District - Orillia - Renfrew (Petawawa) - Stormont Dundas & Glengarry (Cornwall) - Sudbury & District - Provincial Education & Animal Centre (Newmarket)

Affiliates

Alliston & District Humane Society - Annapolis & District Humane Society - Brant County - Cambridge & District Humane Society - Cobocoke Humane Society - Fort Erie SPCA - Gananoque & District Humane Society - Georgian Triangle Humane Society - Guelph Humane Society - Hamilton/Burlington SPCA - Humane Society of Kawartha Lakes - Humane Society of Durham Region - Kingston Humane Society - Kitchener-Waterloo Humane Society - Lincoln County Humane Society (SP) - Cairnfares - London Humane Society - Niagara Falls Humane Society - North Bay & District Humane Society - Northumberland Humane Society - Oakville & Milton Humane Society - Ottawa Humane Society - Peterborough Humane Society - Quinte Humane Society (Belleville) - Simcoe & District Humane Society - South St. Marie Humane Society - St. Catharines & District Humane Society - Thunder Bay & District Humane Society - Timmins & District Humane Society - Welland & District Humane Society - Windsor/Essex County Humane Society

Ontario SPCA
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 1656 Woodbine Avenue, R.R. 2
 Newmarket, ON, Canada
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 1-888-668-7222
 info@ospsca.on.ca

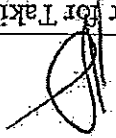


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This is Exhibit "B" referred to in the
Affidavit of Jeffrey Bogerts
sworn before me, this 31st day of July, 2014.

**ANIMAL WELFARE POSITION
STATEMENTS**

ONTARIO SPCA



PREAMBLE

The object of the Society, as established by the Ontario SPCA Act is to facilitate and provide for the prevention of cruelty to animals and their protection therefrom.

The following animal welfare position statements have evolved over the years as the Society reacted to events involving animals and responded to queries concerning the "Society's position". These animal welfare position statements are the result of extensive research and correspondence amongst our member societies, individual members and our staff.

These Position Statements have been subject to extensive debate in committee and by the Board of Directors. They reflect positions that the Society wishes everyone to follow. It is acknowledged that there are some activities that are permitted under law, or lack of law, of which the Ontario SPCA does not approve.

The Society's basic premise is that **no activity should take place that places any animal in distress**. Until a law or regulation is passed that prohibits placing animals in distress, we can only deplore the activity and campaign against such activities but will not take any unlawful act to interfere. However, any activity that involves cruelty to animals will be investigated and appropriate charges will be laid if justified.

These position statements reflect goals that the Society wishes to be attained over time.

Updated June 18, 2002

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sworn before me, this 31st day of July, 2014.

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A handwritten signature in black ink, appearing to be "J. Bogerets", written over a horizontal line.

Ontario SPCA

Ontario SPCA Provincial Office

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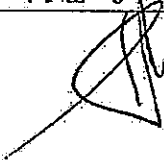
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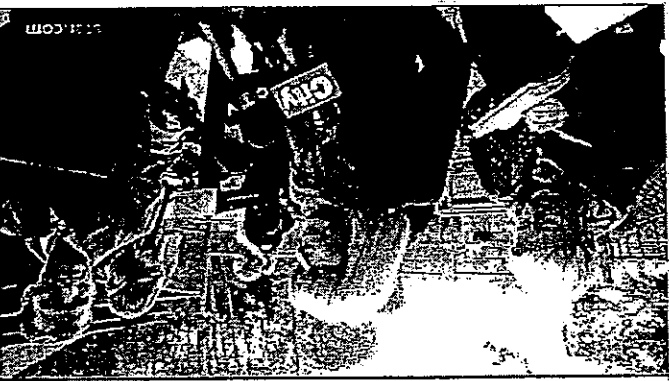
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Analysis: Will changes to Ontario's animal welfare rules make a difference?
 News / Canada

The Liberal government is increasing the OSCA's power to investigate animal welfare issues. But how will the public know what the society is doing?

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SAVE TO MY STAR



MPP Cheryl Dineo talks about her disappointment about the new funding for the OSCA.
 By: Linda Diebel Canada, Politics Liam Casey, Published on Fri Oct 25 2013

The Liberal government is pumping 10 times more cash into the Ontario Society for the Prevention of Cruelty to Animals, giving it the authority to hire experts and boosting its power to investigate animal welfare issues.

But how will the public know what the society is doing? How will anyone be able to gauge the effectiveness of the \$5.5-million annual boost in tax dollars announced Friday?

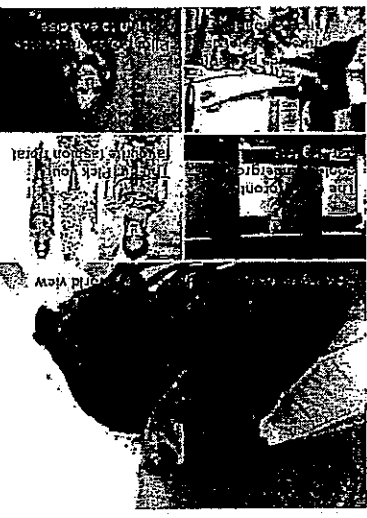
The OSCA is a private charity that doesn't reveal much about what it finds, how it does its job, the qualifications of its inspectors or even detailed financial reports. That lack of transparency has drawn criticism.

"It's a problem," said Conservative MPP Frank Klees (Newmarket-Aurora). "It is extremely disappointing that the minister and government are not willing to deal with something as fundamental as the (basic structure) of the OSCA."

Other critics said the changes are too weak to have a real impact.

Klees, a longtime critic of the OSCA, called Community Safety Minister Madeleine Meillon's announcement "smoke and mirrors" and listed a series of issues he says must be dealt with:

- The organization operates in secret with the public not aware of how money is spent or what goes to salaries. "Their books should be thrown wide open and posted on their website," said Klees.
- Inspection and investigation results, as well as the training and expertise of agents, should be made public.



The ultimate power should lie with the government, not the OSPCA. That would allow Ontario to separate the OSPCA's investigative arm, often criticized for trampling on citizens' rights, from shelter responsibilities.

Kees said he's tired of hearing Mellieur say she has no power over the OSPCA. "Then give yourself that power," he said.

At a Friday press conference with Mellieur at the High Park Zoo, OSPCA chair Rob Godfrey said he has fought for transparency and believed the results of investigations should be made public. He has been overruled by the board.

"We will continue to strive to be more public," he vowed. A ministry official also said privately that more OSPCA transparency is "at the top of our agenda."

Mellieur repeatedly argued that Friday's announcement was "the first step" and not the package she said she wanted a year ago. She initially sought mandatory licensing of zoos and aquariums.

"Our government cares deeply for the well-being of animals wherever they live in this province," she said Friday.

Mellieur began reviewing the province's animal laws in Ontario after a Star series in 2012 in which former trainers blamed health problems at Martineau on sporadically poor water and insufficient staffing.

Mellieur thanked the Star on Friday and said: "If it weren't for their work, we wouldn't be here today."

John Hoier, owner of the Niagara Falls animal park and tourist attraction, has always denied any problems with water or staffing shortages. "The well-being of our animals and mammals has, and always will be, our first priority," park spokesperson Ann Marie Rondinelli said Friday.

Mellieur's changes include a registry with twice yearly inspections for zoos and aquariums throughout the province — a voluntary one.

Asked if Martineau will join, Rondinelli said "absolutely."

When asked if the Toronto Zoo will join, spokesperson Jennifer Tracey wrote in an email: "We look forward to learning more about the creation of this new registry."

Godfrey said zoos and aquariums that don't join will be subject to more scrutiny than the others, including "surprise inspections" from a new specialized team that has already begun work.

He said it would "look bad" if a big-name zoo such as Toronto's didn't join.

A team of experts, expected to be headed by marine biologist David Kosen of the University of British Columbia, is drafting new standards of care for marine mammals in captivity, including whales, dolphins and seals. It's due in June 2014 and, once written, will be enforced by the OSPCA.

The ministry press released cautioned: "In developing the final regulatory standards the independent scientific advice in the establishment of appropriate standards of care for marine mammals."

She added: "Martineau will be pleased to share his knowledge and experience with the scientific reviewer."

Asked about Kasia, a long killer whale at Martineau, Godfrey said he will wait until seeing the drafted marine mammal standards before commenting.

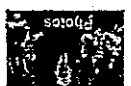
Rob Laidlaw, executive director of Zoocheck, an animal welfare group, was disappointed by the changes. "We've advocated for about 20 years for an up-front tiger, you've got to get a permit."

"You need something up front that weeds people out, not a voluntary registry. This is the times, times step forward."

Popular Photo Galleries



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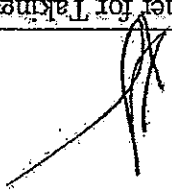
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Friends for Life!
Heartwarming adoption stories

Animal Tribute
Fire survivors await new homes

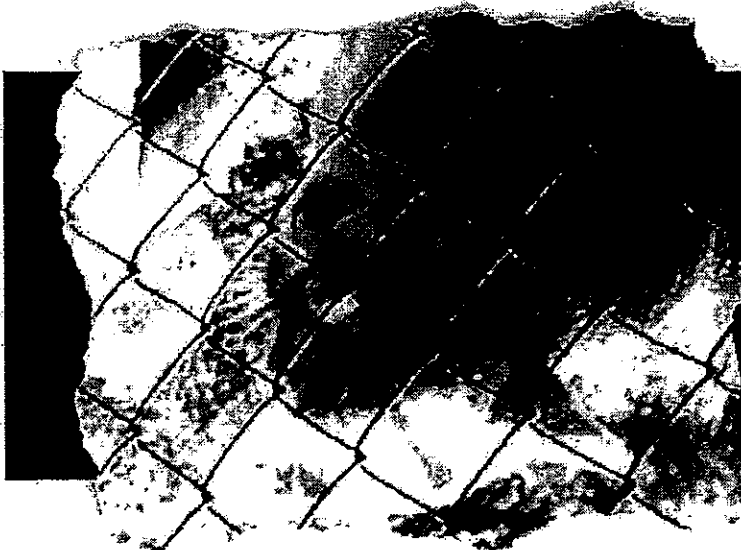
Midland Fire
Starting over after tragedy strikes



MIDLAND 2006

ANIMALS' VOICE

Making a difference for zoo animals



I was recently very shocked when an Ontario SPCA inspector who was monitoring an anti-bean and three other primates were sold at auction. It is incomprehensible that these special animals are auctioned off in this province to the highest bidder. Their sad fate is that they are the "discarded" animals from roadside zoos that indiscriminately breed animals, simply to show off the "babies" to the public.

Ontario has more roadside zoos than any other province, and more zoos than the rest of Canada combined, but also has the weakest animal protection legislation in the country and no specific legislation to establish standards for animal care to protect these special creatures from neglect. Anyone can own a lion, tiger, elephant or baboon — only the importation is controlled; no provincial or federal law prohibits persons from keeping or breeding these animals in Ontario. Consequently, each year, the Ontario SPCA is faced with the challenge of housing a number of exotic animals — including cougars, tigers, alligators, pythons, black bears and primates — as a result of investigations involving neglect.

Although we have tried in the past through voluntary inspections to improve standards of care and highlight the need for environmental enrichment at roadside zoos, our efforts at some facilities have failed. For example, three roadside zoos in Ontario have taken the unusual step of sending the Ontario SPCA letters prohibiting our inspectors from coming onto their properties without a search warrant.

Ontario does have several legitimate zoos that have knowledgeable staff, and that work to ensure the animals in their charge have full and healthy lives. These professional zoos are staffed by caring zookeepers, supported by staff or contact veterinarians knowledgeable

in zoo medicine. Unfortunately, there are many other zoos that lack the professional staff to ensure the animals are fed appropriate diets and live in an environment that meets the specific needs of the species and can enrich the animals' lives.

Recently, legislation that would govern and regulate Ontario zoos was introduced into the Ontario legislature by MPP David Zimmer. The legislation — Bill 154, *The Regulation of Zoos Act* — has the support of the Ontario SPCA and the World Society for the Protection of Animals. The Ontario SPCA is hopeful that the professional zoos and their associations will support this bill, and it passed, will help draft zoo regulations. This would bring all zoos up to the standard of care that the current professional zoos in Ontario exhibit.

I urge all readers to sign the petition in support of Bill 154 on page 11 of this magazine. Your united support will help ensure the protection of zoo animals — a protection long overdue to these vulnerable creatures and one that animals in other provinces have already been given.

Mike Diaper,
Acting CEO,
Ontario SPCA



Throughout his recovery at the animal hospital, and his subsequent stay at the Ontario SPCA York Region over the next ten days. ment for smoke inhalation and irritation to his eyes. pital in Midland for emergency care, he received treat- ing the highway. Rushed to the Heritage Animal Hos- he was found by a passerby several hours later wander- fields. Miraculously, Kojak was rescued yet again when from the safety of rescuers into the dark surrounding ing - terrified, disoriented and confused - he bolted. After firefighters released Kojak from the burning build-

Two cats who survived the Midland fire are waiting for a new home. Look! A two-year-old black male; is available for adoption at the Orangeville & District Branch. Ember, a three-year-old black male, is waiting for a new family at the Orlia Branch.



We hope you can offer that special home! of security, stability and love - a family of his own. fire. What Kojak needs most in his life is a sense possible health complications as a result of the glected to provide, and is prepared to deal with give Kojak the training his previous owners ne- ever home. A home that is willing and able to This beautiful spirit is looking to find his for- He joyfully greets each person and most dogs he meets, and thanks to the efforts of volunteers and staff he now knows how to sit, lie down and stay on request. As well, the cough he developed as a result of the fire is nearly gone, allowing him to howl or bark with gusto when he's excited to go in or out- side.

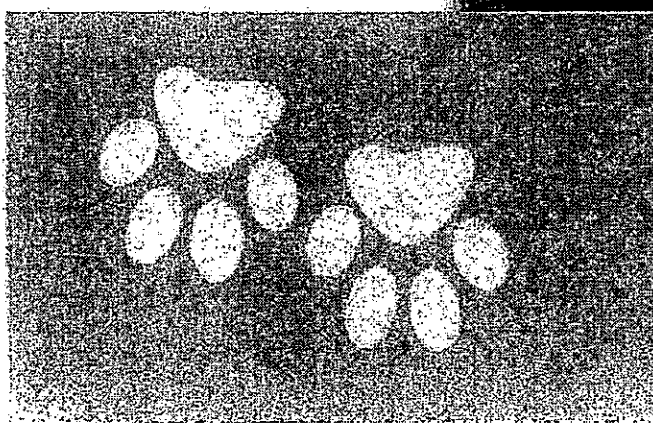


Branch, this beautiful two-year-old husky-border col- the mix has amazed staff with his brave, resilient and loving personality.

Ontars after a fire destroyed the Midland & District Branch and claimed the lives of over 30 animals, three of the survivors are await- ing new homes, including Kojak.

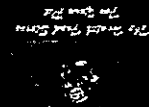


Midland fire survivors await new homes



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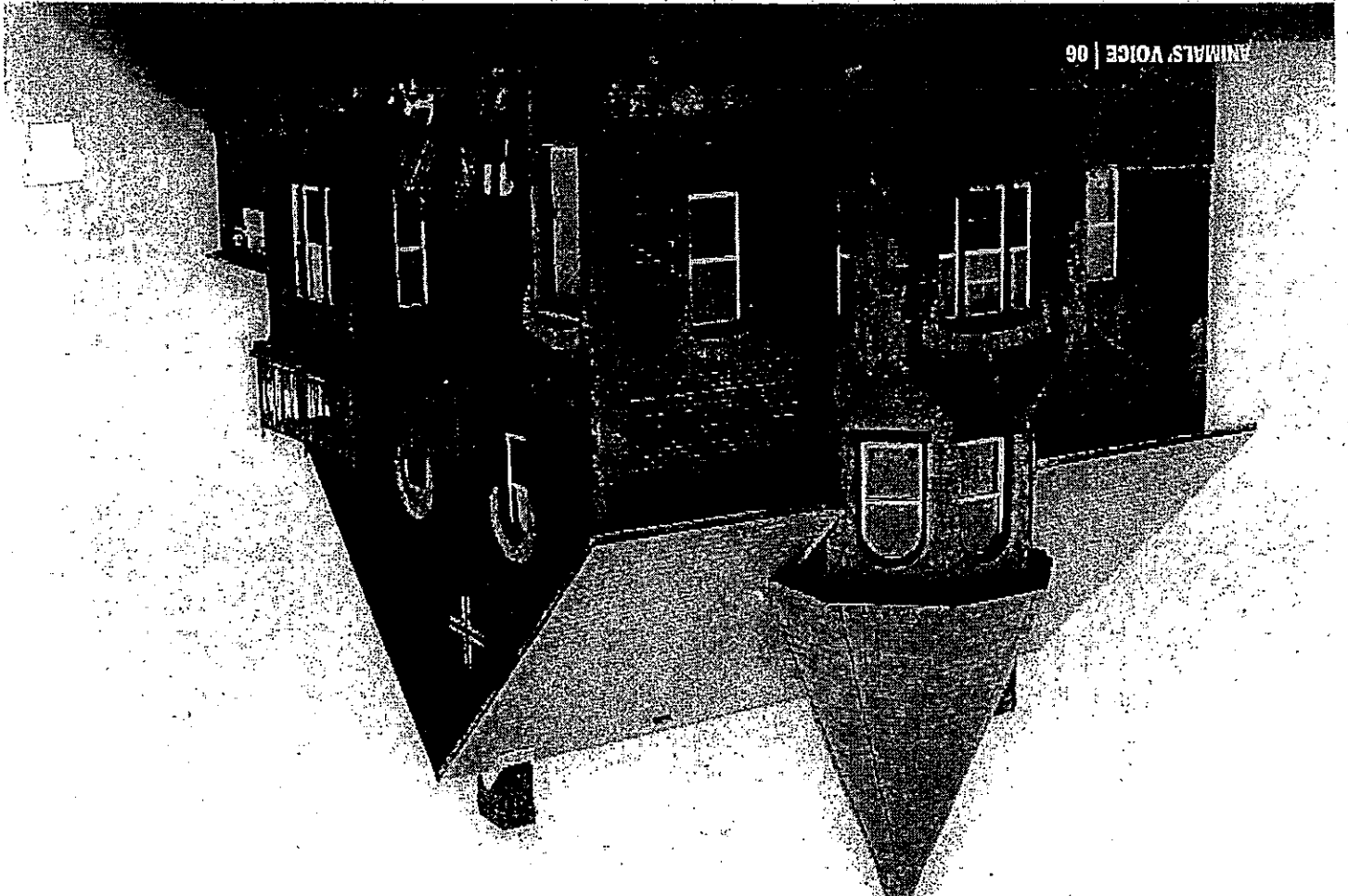
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ONTARIO
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Every day staff and volunteers working at Ontario SPCA shelters across the province deal with tragedy first-hand – from the loving animals that are coldly abandoned at our doors, to the unthinkable cases of abuse. While these situations are never easy, our staff is trained to deal with them. But on August 3, 2006 the staff and volunteers at the Ontario SPCA Midland & District Branch experienced another tragedy – one they were not emotionally prepared to face: the shelter was destroyed in a fire caused by a lightning strike.

Due to the incredible efforts of firefighters and Ontario SPCA staff and volunteers, over 30 cats, kittens, dogs and puppies were saved from the fire. But, sadly, over 30 animals were lost in the tragedy: Three cats, one kitten, two puppies and four adult dogs were treated for smoke inhalation and/or burns at the Heritage Animal Hospital in Midland. The other survivors were taken to the Orillia Branch immediately following the fire, and were later transferred to the York Region Branch where there is a staff veterinarian.

The Ontario SPCA Midland & District Branch: Starting over after tragedy strikes

By Christine Arnett, Director of Marketing & Communications
& Kerri Semenko, Acting Director of Animal Sheltering & Wildlife Services

The Branch has provided a wealth of animal welfare services in the community, including animal cruelty investigations, animal rescues, intake and re-homing.

This was our worst nightmare — our hearts sank, knowing there was little we could do to save the remaining animals inside.

For many years the Branch operated without a shelter — the animals were either sent to the Barrie or Orillia Branches or kept by volunteer members of the Branch until permanent homes could be found. While this situation was workable, it was not ideal, so raising funds to purchase property for a shelter became a priority. Yard sales, bingo and community events were soon in full swing to help raise the needed funds. Finally, in 1992 the Branch purchased the historic Dutch family farm on Highway 12. With a lot of hard work and dedication, the beautiful old brick farmhouse was converted into a warm and welcoming shelter for domestic animals. A large outdoor cat enclosure was added soon after, and other renovations at the shelter included large outdoor dog runs, a nursery and two cat isolation rooms.

AN HISTORIC SHELTER

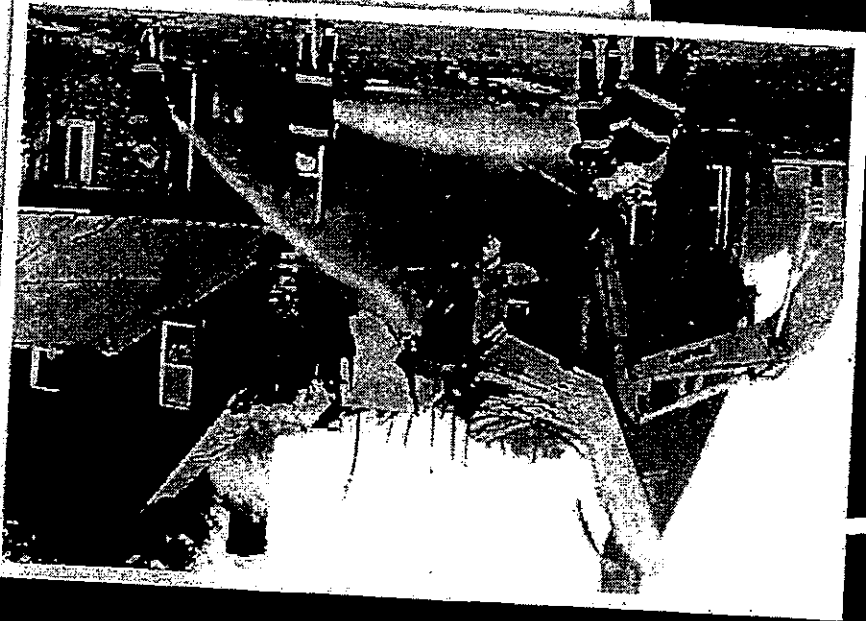
The Midland & District Branch began as the dream of a handful of concerned community members who wanted animals in the area to have a humane organization to help protect them from abuse and neglect. This concerned group was initially formed in 1963 as the Midland Auxiliary of the Ontario SPCA with the goal of raising funds for the Society's provincial initiatives. Soon after, the Auxiliary realized they wanted to formally become an Ontario SPCA branch and provide investigative and sheltering services for the Midland area. In 1965, after two years of hard work and showing that a branch was viable in the community, the Midland Auxiliary became a branch of the Society, with an inspector appointed for the area.

A GRASS-ROOTS FOUNDATION

"It was a very emotional scene to watch staff and volunteers gazing helplessly and in disbelief at the burning building," says Lauren Dool, Manager of the Midland Branch. "This was our worst nightmare — our hearts sank, knowing there was little we could do to save the remaining animals inside."

Sadly, four of the animals who initially survived the fire later succumbed to their injuries. Among those unable to recover was a kitten rescued eight hours into the blaze after a firefighter heard faint crying coming from within the burnt walls.

Photos: Hugh Coghlin



The Ontario SPCA would like to extend a heartfelt "thank you" to everyone who has offered assistance, including firefighters from Jay Township, Severn Township and investigators services in the Midland area. support for ongoing animal care and in- the cost of the rebuild. We will also con- the insurance settlement will not cover shelter - unfortunately, we believe that community's support for building a new months we will continue to rely on the to the rebuilding effort. In the upcoming shelter - over \$200,000 has been donated in fundraising for the rebuilding of the party events that have been successful In addition to generous individual dona-

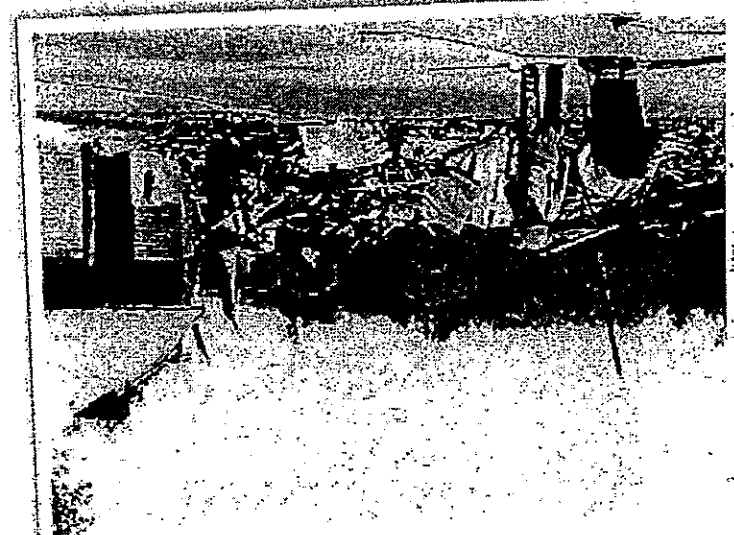
community and across the province has been amazing. The support from the we are currently meeting with an architect and mat- Directors passed a resolution to rebuild the Branch and ratio SPCA Acting CEO. "The Ontario SPCA Board of - they will never be forgotten," says Mike Diaper, On- ing of the Midland & District Branch in their honour- mals, we are also looking to the future and the rebuild- "While we are still mourning the tragic loss of the ani-

A NEW BEGINNING

leave an indelible mark on this community." says Dool. "Its historic presence and tragic demise will mals that have passed through its doors over the years." for many wonderful people and the thousands of ani- "The farmhouse contained many wonderful memories

of surrendered, abandoned and stray animals; and hu- mane education programs for local schools and com- munity groups.

Photo: Hugh Coghill



the Town of Midland for battling the blaze and provid- ing comfort and oxygen to the animals; the ORP Mid- land Detachment for keeping onlookers safe from the fire; the staff of Heritage Animal Hospital for providing medical care and much TLC to animals suffering from burns and/or smoke inhalation; the people who have adopted many of the surviving animals; and the public for their overwhelming support and generosity to help with the care of the survivors and our rebuilding ef- forts.

"The generosity of people has been overwhelming. I know we've always had support in the community but people have gone beyond and we totally appreciate it," says Dool. "We are looking forward to serving the community in a more functional and efficient fa- cility, and we hope to offer expanded services to our community."

In the short-term, the Ontario SPCA hopes to set up a specialized trailer for temporary animal sheltering on the property, and in the coming months hold a com- munity meeting to present the plans for rebuilding the shelter.

"A tremendous amount of commitment and dedica- tion went into the formation of the Midland & Dis- trict Branch," says Dool. "While we lost the physical structure that was the Branch, we did not lose the spirit that went into its making. The heart and soul of every donor, volunteer and staff member who has been in- volved with the Branch is reflected in the love and care we provide to the animals. No fire can destroy that."

Photo: Hugh Coghill



Signature _____

Card # _____ Expiry date _____

Please charge to my Visa Mastercard Amex

I understand that I may cancel this arrangement from my credit card on the first of each month in writing at any time.

I hereby authorize the Ontario SPCA to deduct _____ \$ _____ \$ _____ \$ _____ \$ _____ \$

Signature _____

Please enclose a cheque marked "void."

I understand that I may cancel this arrangement in writing at any time.

from my chequing account on the first of each month. I understand that I may cancel this arrangement in writing at any time.

I hereby authorize the Ontario SPCA to deduct _____ \$ _____ \$ _____ \$ _____ \$ _____ \$

Name _____

Address _____


City _____

Home Telephone _____ Fax _____

Postal Code _____ Email _____

I would like to spread my support for the work of the Ontario SPCA throughout the year by making monthly gifts.

Animal PAC Monthly Giving Plan




16586 Woodbine Ave RR3, Newmarket ON L3Y 4W1

Please consider the support of our donors.

We appreciate the support of our donors.

Join the Animal PAC Monthly Giving Plan



How you can help

If you would like to make a donation to help with our rebuilding efforts and the care of the survivors you can:

1. Make an online donation at ontariospca.ca/online-donation. Then select "Tribute - In Honour." Once you are taken to the next page you can specify the Midland Fire as the designated fund for your donation.
2. Donate by phone: 1-888-668-7722 ext. 321
3. Make a donation at any branch of the Bank of Montreal, specifying trust account number 3956.1031.534.

All gifts are eligible for a tax receipt. For donations made at the Bank of Montreal, please forward your bank receipt and personal information to the Ontario SPCA Provincial Office (16586 Woodbine Ave, RR 3, Newmarket, ON, L3Y 4W1) and we will ensure a tax receipt is issued immediately.



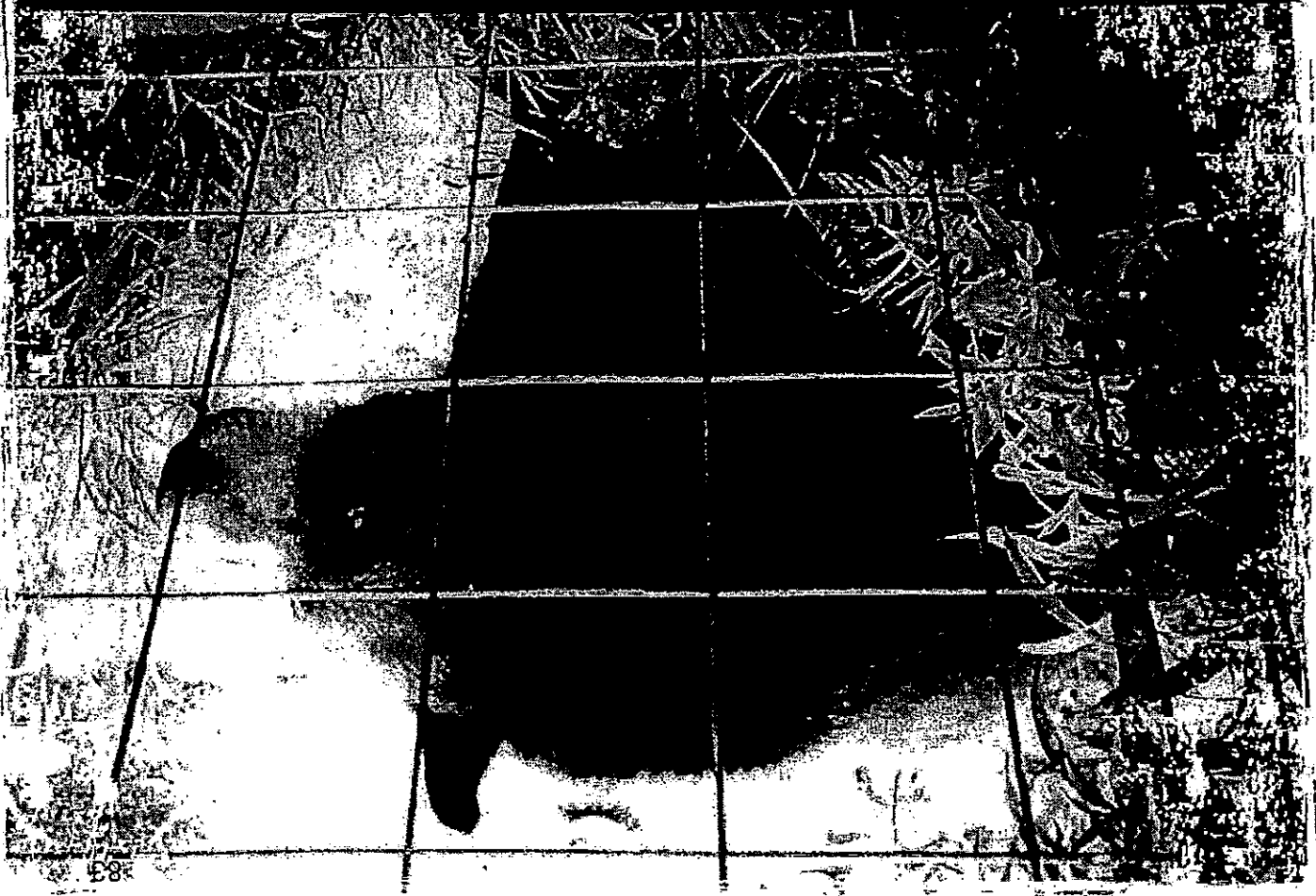
Liberal M.P. David Zimmer has introduced new legislation to address the deplorable conditions animals are kept in at Ontario's roadside zoos. If passed, Bill 154, *The Regulation of Zoos Act*, would require all Ontario zoos to comply with professional animal welfare and public safety standards. The proposed legislation would ensure every zoo animal receives appropriate care and housing and that zoo visitors, staff and surrounding communities are safe.

JOIN THE PETITION SUPPORT TEAM!

Roadside zoos are substandard zoological facilities that typically house animals in poor, barren conditions, and lack trained professional animal care staff and the financial resources necessary to ensure proper animal care and housing. Ontario has more zoos than any other province in Canada but no legislative requirements for staff expertise, financing, or mandatory standards for animal housing, management and safety. While there are some limited protections and licensing requirements for animals native to Ontario, there is no legislation protecting exotic zoo animals such as hippos, elephants, lions, kangaroos and primates. The Ontario SPCA estimates that Ontario has over 50 zoos, and over 20 large, private collections – far more than any other province.

What is a "Roadside" Zoo?

ONTARIO'S "ROADSIDE" ZOO ANIMALS NEED YOUR HELP!
 Join the campaign to protect all zoo animals



~ The Crozier family

Still, scars from his unknown past remain. If you touch his collar he collapses to the ground, and many things in the environment scare him. Thankfully, by taking baby steps to help him adjust to his new life, he is gaining confidence every day. Forrest is a great dog! He is a sweetheart and a gem and he's fitting in nicely with our family. The sorrowful look that was in his eyes is now replaced with a look of life and happiness!"

He's bonded with his "big" brother, Willy, a 13-year-old Scottish terrier - and he mimics many of Willy's behaviors. He's learned to bark out the window at visitors (previously he never made a sound), sit politely for a treat after walks (he looks to Willy and the repeatedly treat taking Willy's cue), and he's started greeting our homcomings from a well-positioned spot on the sofa (Willy prefers the armchair). He is becoming quite curious, and has started following Willy and I around the house to see what we are up to.

Walk him three houses down the street before he struggles on his weakest leg and starts trying to hold it up. The whole time his nose is going a mile a minute!



It's been over a month since we adopted Forrest, and already he is making great progress. He loves sitting beside you with his head in your lap (being stroked), and his strength and stamina is slowly increasing. I can see his heart.

"After we lost the eldest of our two dogs, we felt there was a void in the family. For the next year we looked on websites, keeping our eyes open for the right dog. Then one day, I saw Forrest's photo. His eyes were so soulful and sad - it felt like we were looking right into

in the evening of May 28, 2006, an Ontario SPCA investigator responded to a call from a concerned citizen regarding an injured dog found lying next to their garage in Dorset. The resident had found the dog lying flat on his side, unable to rise, but wagging his tail and raising his head when approached. At an after-hours emergency clinic X-rays determined that the dog had suffered fractures in both of his front legs, presumably from a tumble down the cliff nearby where he'd been found. Medical care costs for Forrest's surgery were estimated around \$5,000. Thanks to the Ontario SPCA Protecting Animals in Need Fund, and donations from concerned supporters, Forrest underwent surgery on May 31 to repair his broken legs.

adoption stories



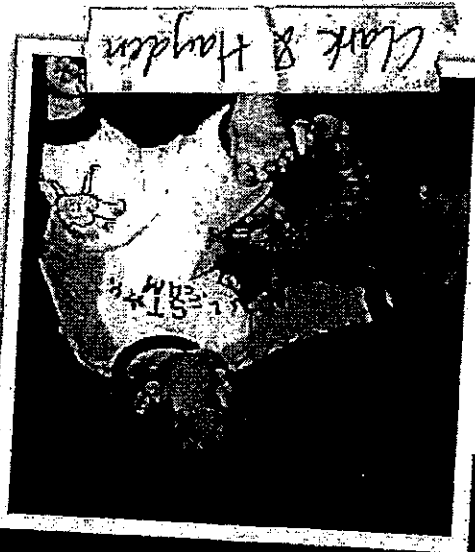
- Lorraine Carleton

"I thought you would like a follow up on how Hunter is doing in his new home. As you can see, he has settled in very well. He is such a fun dog to have as he can become very talkative when he wants something, especially when he wants to go for a walk. He has given us a lot of joy and we are looking forward to showing him off to the rest of the family. He is so cute."



- Vanessa

"When I adopted Neil he was not very social, but I worked with him and he grew to trust me quickly and adapted well to his new home. A couple of weeks after adopting Neil, I adopted Milo, a young male rat also in need of a home. Neil and Milo were happily living together in no time. Neil loves his baby food, and he loves cuddling in his hammock and on his shelf with Milo. They are also very fond of their tent. They are really the best of friends. It's wonderful to see them together!"



- Krista, Marc and Hayden

"Clark is enjoying his new home. He loves chasing and bossing around our dog and playing with our son who is two years old. Clark has grown quite a bit and he is not shy about letting us know when he wants to eat, play or be loved. He has such a great personality as he loves to play and snuggle with us. Thanks!"

To learn more about volunteering at the Ontario SPCA visit www.ontariospc.ca/1-volunteer.shtml

- Ruth Wozniak

While I work with as many dogs in the shelter as I can, I often focus on one dog - training, exercising and socializing the dog until he or she is adopted. Knowing that a previously abandoned dog may be placed in a good home that provides love and guidance drives me to continue.

Various approaches. While I work with as many dogs in the shelter as I can, I often focus on one dog - training, exercising and socializing the dog until he or she is adopted. Knowing that a previously abandoned dog may be placed in a good home that provides love and guidance drives me to continue.

To expand my knowledge I attend seminars, read books, talk to trainers and gather information from the internet. My biggest source of knowledge is the dogs themselves. It's a technique or training tool that works. I will try it and see how it works. The beauty of positive-reinforcement training is that it will not cause any physical or emotional harm to a dog, so you can try various approaches.

To expand my knowledge I attend seminars, read books, talk to trainers and gather information from the internet. My biggest source of knowledge is the dogs themselves. It's a technique or training tool that works. I will try it and see how it works. The beauty of positive-reinforcement training is that it will not cause any physical or emotional harm to a dog, so you can try various approaches.

behaviour, distract him from less appropriate behaviours, encourage listening, build trust, establish leadership, provide mental enrichment and more.



I teach the dogs various commands, such as "Come," "Watch Me" and "Drop It" - however, even teaching a basic "Sit" can create a huge difference in a dog's outlook. For example, when I ask a dog to sit 20 times throughout a walk, and reward him each time, I'm giving that dog an opportunity to be a "good dog" 20 times. This improves the dog's self-esteem and confidence, and because the dog earns a reward, he wants to do it. Additionally, training and regularly rewarding a dog for sitting can help the dog understand appropriate

When I began volunteering with the Ontario SPCA I was introduced to clicker training (using a small device that makes a "click" to mark the behaviour, followed by a treat). The dogs we worked with were typically unsocialized or friendly but lacking in basic manners. They improved throughout our sessions, many of them dramatically. I began noticing other dogs in the shelter that could use similar help and I started training them on my own in consultation with staff.

"I learned some basics of positive-dog training (rewarding a dog for giving a desired response) while attending classes with my current dog Joey, a nine-year-old collie-mix rescue. It was a lot of fun and it helped us create a very strong bond.

I began volunteering with the Ontario SPCA in the Spring of 2000. Ruth Wozniak began volunteering with the Ontario SPCA, assisting a trainer who was working with hard-to-adopt dogs to improve the animals' adoptability. While volunteering with the trainer, Ruth became inspired to use her skills to help dogs at the York Region Branch. "Ruth is an important part of our team," says Branch Animal Care Coordinator Jennifer Scott. "She's committed hundreds of hours to help train and socialize dogs - often sharing techniques with staff and volunteers. She is extremely giving and really cares about all of the animals."

Volunteers making a difference

~ Hilda Davison

Without question, I will continue volunteering with the Midland Branch so long as I am needed and I am able to help. I am sure that the outstanding staff will run the new shelter we're hoping to rebuild with as much effort and dedication as they did in the 'old farmhouse' we'd all grown to love."

While it was very traumatic for me to be there at the time of the fire, then, and still now, my heart goes out to the staff and volunteers who were in daily contact with the animals that perished. I admire their strength and dedication to carry on.

Several cats perished in the fire that I was particularly close to including the three "golden girls," Smudge and Tweedy were great pals who shared a pillow or basket to sleep on, and Noelle, a recent arrival, was also very sweet and dear to me. I will forever grieve for them.

Sadly, she later died. taken by one of the staff to Heritage Animal Hospital. At one point a fireman heard a kitten crying. We all rushed down to where he stood and saw him holding up the little bundle he had pulled out. The kitten was already been burning for many hours and there was not much I could do.

arrived at the scene. She comforted me saying that they had managed to save some of the animals. The fire had already been burning for many hours and there was not much I could do.

Sadly, Tweedy and Smudge perished in the Midland Branch fire.

Tweedy & Smudge



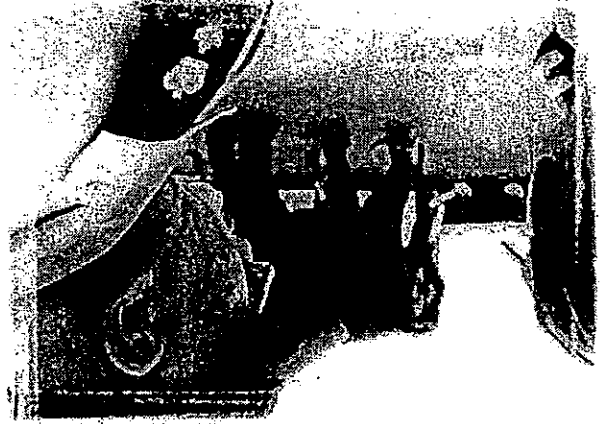
It was overwhelming to see the shelter on fire. Charlene, a staff member, was the first person I met when I

the shelter and many animals' lives destroyed. 6:30 a.m., I stood and watched the farmhouse in flames the first animals arrive. But then on August 3, 2006 at the farmhouse basement. I remember our joy watching ing manure out of the barn and removing rubbish from wheeling away rocks from the original driveway, muck-property was purchased, I helped with cleanup efforts - goal of owning a shelter was still a dream. When the responsibility. I started volunteering when the Branch's for the last 16 years. It is a feeling of belonging and "The Midland Branch has been a big part of my life

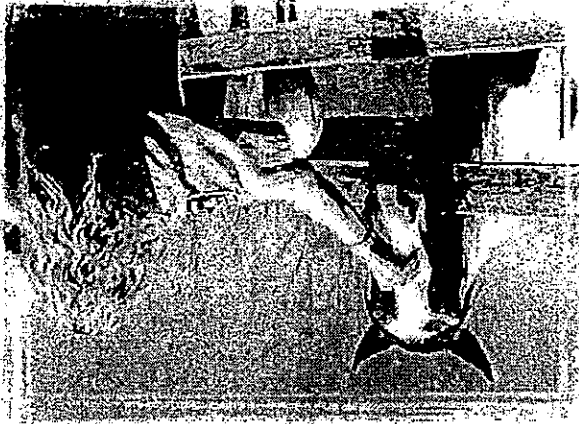
on our faces!" for good advice, lending a helping hand, or putting smiles located on the same property. We can always rely on Hilda the Ontario SPCA Wildlife Rehabilitation Centre which is what errands need to be done, as well as assisting staff at she has stopped in almost daily to visit the animals and see al," says Maureen Dool, Branch Manager. "Over the years and more. "Hilda's hard work and dedication is exceptional- (ng) all of the Branch's fundraising events, fostering cats serving as a Branch board member, organizing (and attend- stroyed in a fire), to cleaning cages, providing animal care, first animal shelter (the renovated farmhouse recently de- needs - from helping the Branch fundraise to purchase its tackling a wide variety of shelter challenges and the Ontario SPCA Midland & District Branch since 1990, Hilda Davison has volunteered with



Acting Chief Inspector Hugh Coghlin and Inspector Rachel Banks attend a circus inspection. The Ontario SPCA ensures that all circus animals are housed and cared for within the parameters of existing legislation.



Inspector Sarah Jones visits a horse that was surrendered to the Ontario SPCA by its owner. This seven-year-old mare was among the more than 100 horses rescued by the Ontario SPCA in 2005.



I decided to approach the Ontario SPCA and ask if I could start doing "ride alongs" with some of their investigators in order to document the incredible work that they do. What I've learned in my short time working with them is that they harbour an awe-inspiring well of strength, poise and professionalism in accomplishing the all too often upsetting tasks at hand.

As an animal welfare advocate and a photographer, I've travelled to many corners of the globe to photograph the plight of animals and have always found it difficult to witness and document their all-too-often heartbreaking circumstances. I marvelled that the cruelty investigators had chosen careers in which they must confront these circumstances not occasionally, but every day.

I've always been fascinated by the work of cruelty investigators. They are, in my eyes, courageous men and women who have dedicated their lives to protecting animals from cruelty and can legally enforce the proper care for animals.

Agent Lynne Barrington rescues a dog that became trapped on a window sill after breaking through the screen while home alone.



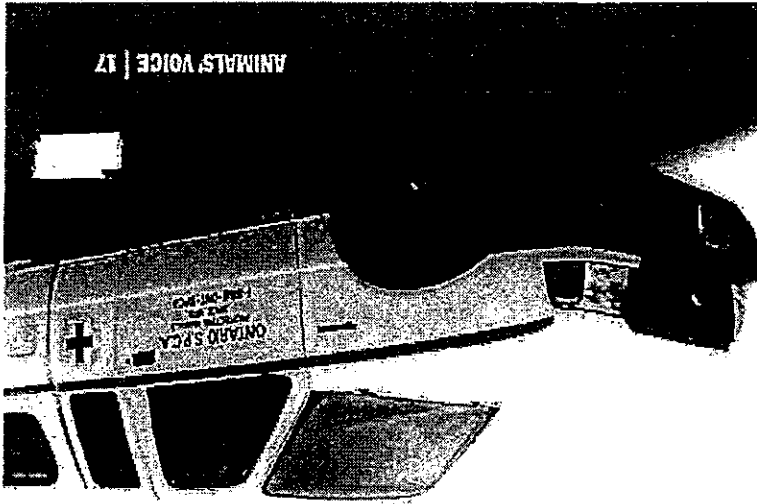
SPECIAL TO ANIMALS' VOICE MAGAZINE

By Joanne McArthur

Candid scenes from the field

WORKING IN THE FRONT LINE





Inspector Sarah Jones feeds hungry and dehydrated chickens at an Ontario farm.



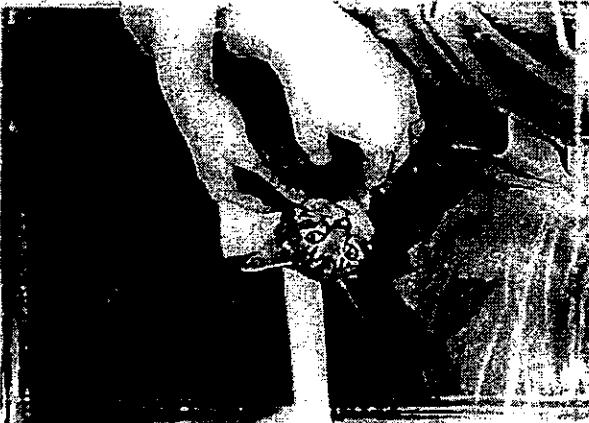
Inspector Allison Greene demonstrates a very dry water bowl found at the scene of an investigation.



The Ontario SPCA responds to a call from a concerned member of the public about this dog that needed veterinary care for bleeding sores on its ears and nose and an eye infection. Following intervention by an Ontario SPCA Agent, the health and living conditions of the dog improved.



Ontario SPCA investigators deal with feline animal welfare issues every day, including cat hoarding situations, stray and feral cats, neglect and unthinkable acts of cruelty.



Understanding your pet

Four important questions to ask



Whether you've just adopted a dog or cat, or lived with one for years, there may come a day when you beloved pet starts exhibiting some strange new behaviours that leave you baffled. To help demystify your pet's behaviours and understand what actions you can take, ask yourself these four questions.

1. HAS THERE BEEN A CHANGE IN THE ENVIRONMENT?

Any change in the environment may contribute to new behaviours or behaviour problems. For example, the weeks or months following an adoption can be stressful for your pet as she adjusts to her new home. As well, the addition of a new pet or family member (spouse, baby), loss of a pet or family member, moving, and schedule changes can have a dramatic impact on behaviour.

2. IS THERE AN UNDERLYING MEDICAL PROBLEM?

Often new behaviours are really the result of a health issue or prescribed medication. For example, bladder infections or kidney disease may cause your cat to eliminate outside his litter box if he comes to associate the box with painful urination, or if he has an increased urgency to urinate. As well, a frequent side effect in dogs using steroids is increased thirst. By drinking more your dog will likely need to go outside to relieve himself more frequently. If he's not let out more often he may have accidents inside the house. Some behaviours are a result of a combination of health and environmental changes. For example, any condition that leads to an increase in discomfort or pain can lead to increased anxiety, irritability or fear of being approached or handled. If you're not sure, visit a veterinarian to rule out medical problems.

Photo: Chris Hughes

3. CAN YOU STOP THE BEHAVIOUR BY MANAGING THE ENVIRONMENT?
 Many problems can be resolved by teaching alternative behaviours, for example, teaching your dog to sit rather than jump when greeting people. But if you aren't committed to training, managing your pet's environment may be the solution for you. Don't want your cat sleeping on your bed? Close the door. Don't want your dog chewing your shoes? Keep them in the closet when not in use. Don't want your dog chasing the cat whenever he gets a whiff? Create a "dog-free zone" (baby gates often work well) in your house where your dog isn't able to enter and your cat can go to relax.



To stop an undesired behaviour from being repeated it's important to determine what consequence(s) of the behaviour your pet finds rewarding. For example, if

pet repeating the behaviour increase. your pet's actions result in pleasant (rewarding) consequences, such as attention or food, the chances of your pet repeating the behaviour decrease. Every time your pet repeats the behaviour, the chances of that every time your pet's actions result in unpleasant consequences, such as lack of attention, the chances of whether or not the behaviour gets repeated. Consider new behaviours. How you respond will often determine throughout your pet's life he will continue to offer you

4. ARE YOU ENCOURAGING THE BEHAVIOUR?

Photo: Marie Ostrom



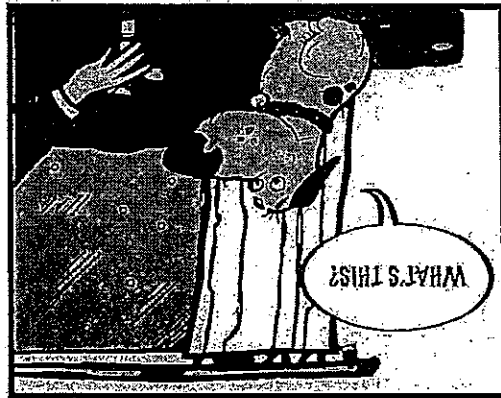
Happily, many behaviours have a simple solution. If you're unsure about what is causing the behaviour or how to respond, speak with an animal behaviourist, a positive reinforcement trainer (a trainer that uses positive reinforcement and not fear and punishment) or a veterinarian for help.

Keep in mind that when you stop rewarding a behaviour that is well established your pet's behaviour will likely get worse before it gets better. This is known as an "extinction burst". It is simply your pet testing to see if variations of his behaviour can make the "reward" appear once more. Be patient and consistent (this applies to everyone in contact with your pet) and the behaviour should start to decrease in frequency. This (or more) depending on how long you've rewarded the behaviour and how consistent you are at preventing future rewards.

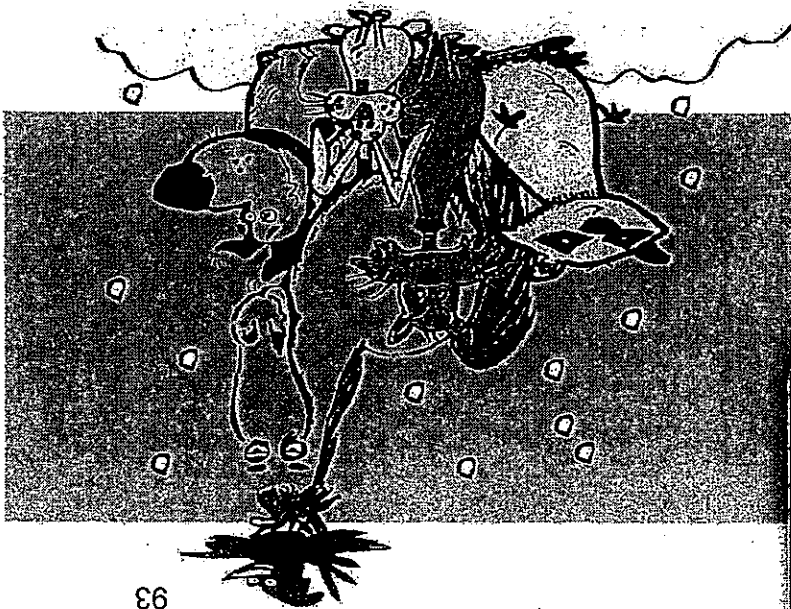
SPECIAL NOTE

your dog greets you at the door by jumping up and you respond by giving your dog a pat, pushing him off, telling him he's cute or gruffly saying "off," you've likely rewarded the behaviour and increased the chance he'll repeat it. The reason: jumping is generally an attention seeking behaviour. Therefore the next time your dog starts to jump turn away from your dog and stand silently like a tree - withdrawing all attention until all four paws are on the floor. If your dog no longer receives any positive consequences for jumping the behaviour should start to decrease in frequency.





M
 e hope you enjoy the Ontario SPCA's new comic strip, "Ontario SPCA Animal Tales" – a cartoon high-
 lighting shelter-life, Ontario SPCA activities, responsible animal care and the wonderful joy an-
 imals bring to our lives. Over the upcoming year you can follow the lovable cast of characters in
 Animals' Voice magazine, *Newshound* e-newsletter and on our website: www.ontariospca.ca. By visiting our
 site and clicking on the "Animal Tales" link you can meet the characters and view a new comic each month.
 Cartoonist J. Coles and his family share their home with two fabulous felines (Merry and Pippin), a gregarious
 golden retriever (Mazzy), and a girl guinea pig named Stanley.



Follow the adventures of a
 lovable cast of characters in
 Ontario SPCA Animal Tales

ANIMAL TALES

2007 Annual PHOTO CONTEST

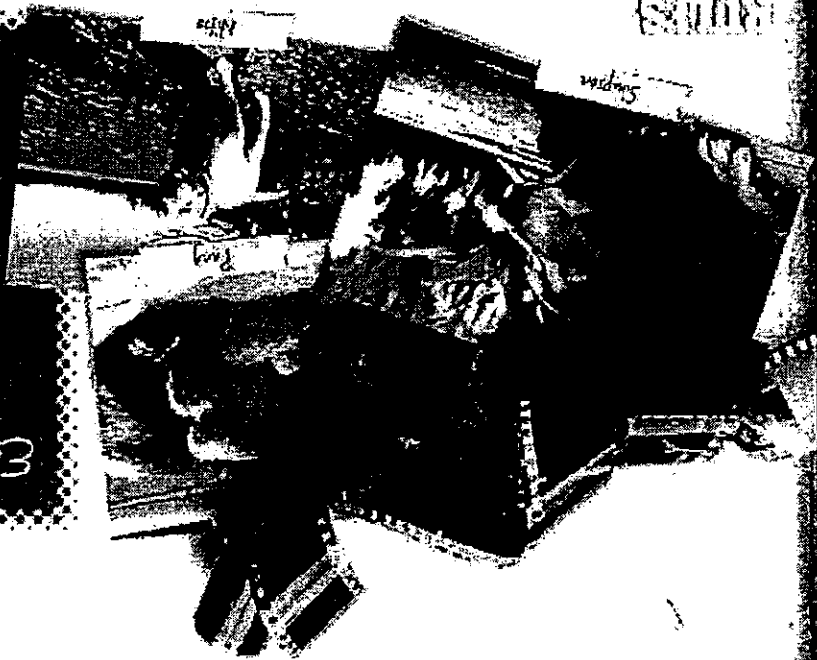
Enter our 2007 Photo Contest
Send us that great photo of your
pet, wildlife, or farm animals.
Your photo could appear in the
Ontario SPCA's 2008 calendar.

2006 Winners:

Simpson - Yvonne Gaudet

Pang the cat - Francesca Mastella

Niro (Yellow Lab) - Debbie Kempe



1. All hard-copy submissions must be unmounted colour prints and include a submission form on the reverse. If your photo is chosen for the 2008 calendar or donor card series, you will be asked to supply the original negative.

2. All digital photo submissions must be a minimum of 4-megapixels and can be emailed to ospcawyersdirect.com or sent on a CD by regular mail. Please ensure that digital photos are taken and sent at maximum resolution. Be sure to include your name, address, contact information, photo description, animal name(s) and type(s) with your emailed submission.

3. Photos reflecting any season and those containing people with pets are welcome. The subject should be no less than 2/3 of the frame and be in landscape format. Try to capture the personality of your subject. Be sure that the photo is sharp and in focus.

4. Submitted photographs become the property of the Ontario SPCA and cannot be returned. The photos may be published in Society publications. Winning photos may be published in local newspapers. Where possible a photo credit will accompany any published photo.

5. Prizes will be awarded for the best entries.

Please photocopy the entry form (see right), attach it to the back of each photo, and send to:

ONTARIO SPCA PHOTO CONTEST
16586 Woodbine Avenue RR3
Newmarket, ON
L3Y 4W1

Digital photos may be sent via email to ospcawyersdirect.com or on a CD by regular mail to the above address.

NAME: _____

ADDRESS: _____

CITY/TOWN: _____ PROV: _____

POSTAL CODE: _____ TEL: () _____

PHOTO DESCRIPTION: _____

NAME OF ANIMAL(S): _____

TYPE OF ANIMAL(S): _____

SIGNATURE: _____

Expiry date for submission is July 15th, 2007

Ontario SPCA launches new website - www.ontariospca.ca

The Ontario SPCA is excited to announce the launch of its new website at www.ontariospca.ca. The comprehensive site features new and updated content, a fresh new design, beautiful photography, and a sleek new navigation system that makes it quick and easy to explore the site.



Some highlights of the website include:

- Resources for reporting animal cruelty, identifying animal abuse and neglect, and understanding animal cruelty laws in Ontario.
- An adoption section featuring a province-wide shelter directory, adoption tip sheets, adoption stories and behaviour and training fact sheets.
- A publication library offering brochures, fact sheets, and back issues of *Animals' Voice* and the popular e-newsletter, *Newsbound*.
- Information on ways you can support the Ontario SPCA, including everything from donating your used stamps to options for planned giving.
- Other areas of the site include current and archived media releases, expanded event listings, an updated web store, employment and volunteer opportunities, and more!

We invite you to come and explore the site - and to make www.ontariospca.ca your online resource for animal welfare in Ontario.

During Ontario SPCA Shelter Appreciation Week, November 5-11, the Ontario SPCA encouraged the public to show their support for their local shelter and the variety

Communities show support during Ontario SPCA Shelter Appreciation Week

You Benefit.

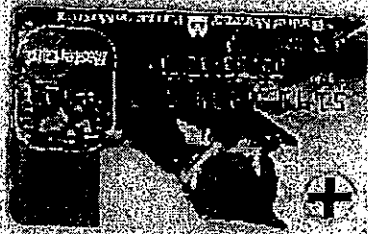
The Ontario SPCA would like to thank everyone for their wonderful show of support - both during Ontario SPCA Shelter Appreciation Week and all year long. Every day you make a difference to animals through a wide range of activities, including making donations to help the Society provide protection and care to animals, reporting animal cruelty and neglect, vol-

of vital services they provide - services such as matching homeless animals with new homes; rescuing abused, neglected, injured and abandoned animals; providing emergency care to injured wildlife, and offering education and advice to the public about responsible pet guardianship, co-existing with wildlife and other topics.

Community members enjoy the Sudbury & District Branch's Open House on November 9.



The Ontario SPCA Mosaik Mastercard is the card you can build and rebuild with the reward program, special features and rate plan that fit you best. It's yours to enjoy exclusively from BMO Bank of Montreal. Since Mosaik Mastercard is modular, you can change your options any time. By choosing this card, you'll enjoy the flexibility that comes with building a card that is truly yours, plus you'll help support the Ontario SPCA everytime you use it to make a purchase.



Apply for the Ontario SPCA Mosaik Mastercard today. Simply apply online at www.bmo.com/mosaik/ospca or call the Ontario SPCA at 1-888-668-7722 ext. 321 for more information.

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Ontario SPCA

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we know that nothing else is good
enough for someone you love.



He owns a piece of your heart.

uniting for local shelters, choosing the adoption op-
tion, and spreading the word about the importance
of treating all animals with compassion and respect.

Ontario SPCA thanks Town of Greater
Naparee for its efforts to keep local
branch open

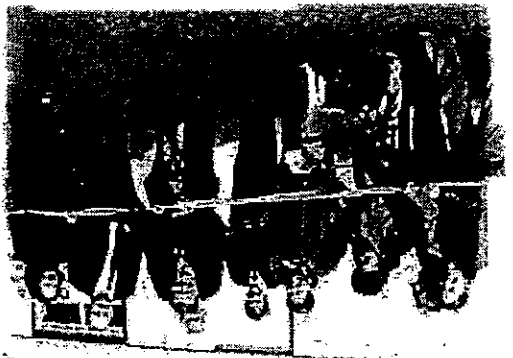


Photo: Sarah Duthauszky, The Naparee Beaver

(Photo from left to right) Sarah Chambers, Branch Advisory Committee; Leslie Lewis, Manager, Lennox & Addington Branch; Catherine MacNeill, Branch Advisory Committee and Provincial Board Member with Bob the dog; Pam Brooks, Branch Advisory Committee; Connie Mallory, Senior Inspector, Eastern Ontario, Ontario SPCA; Gary Hodson, Deputy Mayor, Town of Greater Naparee; Gordon Schermerhorn (front), Mayor, Town of Greater Naparee; Mike Draper, Acting CEO, Ontario SPCA; Leona Dombrowsky, MPP, Hastings-Frontenac-Lennox and Addington, and Minister of Agriculture, Food and Rural Affairs.

On November 4 representatives from the Ontario SPCA and the Town of Greater Naparee, as well as a number of dignitaries, came together at the municipality's former animal control facility to formally thank the municipality for its efforts to keep the Ontario SPCA Lennox & Addington Branch open.

Earlier this year the Ontario SPCA was set to close its doors in Naparee as large capital upgrades were needed at its former location. As a charitable organization those upgrades weren't feasible for the Society. But due to a tremendous outpouring of public support – more than 20,000 Ontarians signed petitions and thousands more wrote letters to government to prevent the closure – as well as the sale of the municipally-owned dog control facility to the Ontario SPCA at a nominal cost, the Ontario SPCA is able to continue to provide animal protection and care services in the community. The Ontario SPCA is not yet able to fully move into the new facility as it requires retrofitting to meet the needs of a full-service animal shelter. In the interim, the Ontario SPCA will operate both the current and new facilities to help facilitate disease control – one of the biggest concerns with the current facility – and provide additional space to house animals.

PROTECTING ANIMALS THROUGH GIFTS OF LIFE INSURANCE

How to use your life insurance as a charitable gift

Traditionally life insurance is used to protect loved ones. However, as children age or we become financially secure, the reasons for purchasing life insurance may not be as significant as they once were. Donating life insurance policies to charities is a wonderful and affordable way to leave a lasting legacy of compassion and care.

By donating a new or existing life insurance policy to The Ontario Society for the Prevention of Cruelty to Animals (the Ontario SPCA) you can help ensure abused, abandoned and neglected animals continue to receive protection, shelter and care for generations to come. At the same time you will generate a very generous contribution, typically larger than would be possible out of an individual income; and receive tax relief, often in the years of maximum earnings when it is most welcome.

The gift of an existing policy

If you find yourself with an existing policy that is no longer needed there are two options you may wish to consider to help animals.

- You can donate the life insurance policy by making the Ontario SPCA the owner and beneficiary. Setting up your policy in this way will allow you to receive a tax receipt for any cash value in the policy and for any premiums that you pay; or
- You can keep the policy in your name and change the beneficiary to the Ontario SPCA. By setting up the policy in this way your estate will receive a tax receipt upon your death, reducing final tax charges.

The gift of a new policy

Many donors decide it's preferable to purchase a new life insurance policy. Again, there are two options to consider when deciding how to help animals.

- You can make the Ontario SPCA the owner and beneficiary of the policy and receive a tax receipt for the premiums you pay every year. This option is beneficial if you have a high income and would like the benefit of reduced taxes; or
- You can be the owner of the policy and designate the Ontario SPCA as the beneficiary. This will mean that your estate will receive a tax receipt upon your death. This option is beneficial if you have a moderate income and would like to reduce estate income taxes.

Endowment funds

You may also choose to place the insurance proceeds into an endowment fund. The insurance proceeds are permanently invested and only the income is expended to help animals in need. Endowments assist the Ontario SPCA with long-range planning and ensure the Ontario SPCA will be there - always - to save and protect animals.

TAX TIPS ~ HOW YOUR GIFT GIVES BACK!

GIFT OF AN EXISTING POLICY

Example: If you had an existing \$100,000 life insurance policy, costing \$75/month, you could:

Designate the Ontario SPCA as the owner and beneficiary of the policy. Receive a \$900 donation receipt each year (for cash value in the policy) and for any premiums that you pay) saving you approximately \$360 in taxes owing or

Stay the owner and designate the Ontario SPCA as the beneficiary. Your estate would receive a tax receipt of \$100,000 upon your death, saving your estate close to \$40,000 in taxes owing.

GIFT OF A NEW POLICY

Example: If you purchased a \$100,000 life insurance policy for a cost of \$75/month, you could:

Designate the Ontario SPCA as the owner and beneficiary of the policy. After early tax savings your net cost would be approximately \$45 per month or

Stay the owner and designate the Ontario SPCA as the beneficiary. Your estate would receive a tax receipt of \$100,000 upon your death, saving your estate close to \$40,000 in taxes owing.

HOW TO MAKE A GIFT OF LIFE INSURANCE

For a quotation or further information about how you can donate a life insurance policy and leave a lasting legacy, please contact our Development Department at 1-888-668-7777 or donate@ospcan.ca.

