

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Ken Weatherill
A/Assistant Deputy Minister
Public Safety Division

SUBJECT: Responding to Animals Left in Motor Vehicles

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With warmer weather underway, it is important to ensure pets across the province remain safe and comfortable. It is critical that the necessary precautions are taken to keep pets safe and protected during the hot summer months, including making sure that pets are not left unattended in a motor vehicle.

Temperatures inside a motor vehicle can quickly become much hotter than the temperature outside. Even at an outdoor temperature of only 25°C, the inside temperature of a car can reach 34°C in as little as 10 minutes and up to 50°C by the time an hour has passed. Pets can be put at great risk of serious illness and possibly death as a result of being left in a motor vehicle during hot weather.

Police Officer and First Nation Constable Authority under the *Provincial Animal Welfare Services Act, 2019 (PAWS Act)*

Pursuant to the PAWS Act, police officers, First Nations Constables, and animal welfare inspectors may enter motor vehicles to search for animals in critical distress. Some visible signs of critical distress in dogs, for example, includes excessive panting or drooling, listlessness, collapsing, or seizures.

Section 29 permits such entry and search where a police officer, First Nations Constable, and/or animal welfare inspector have reasonable grounds to believe that an animal is in critical distress.

If the motor vehicle is a dwelling, in addition to having reasonable grounds, a police officer, First Nations Constable, or animal welfare inspector must also be satisfied that the time required to obtain a warrant may result in serious injury or death.

Critical distress is defined in the PAWS Act as “distress requiring immediate intervention in order to prevent serious injury or to preserve life”.

Section 33 provides authority to supply the animal in distress with necessities to relieve its distress on the spot (where it was found).

Section 31 provides authority to remove the animal and take possession of it for the purpose of relieving its distress in the following three circumstances:

1. A veterinarian has advised the inspector (police officer or First Nations Constable) in writing that relieving the animal’s distress necessitates its removal;
2. The inspector (police officer or First Nations Constable) has inspected the animal and has reasonable grounds for believing that the animal is in distress **and** the owner or custodian of the animal is not present and cannot be found promptly; **or**
3. An order respecting the animal has been made under section 30 and the order has not been complied with (police officers and First Nations Constables do not have the power to issue orders under section 30).

The act permits use of force that is reasonably necessary to remove the animal (**Section 31(4)**).

If any of the above powers are exercised by a police officer or a First Nations Constable, **section 60 of the PAWS Act requires prompt notification to the Chief Animal Welfare Inspector.**

Where an animal is removed from a motor vehicle and taken into possession under section 31, the police officer or First Nations Constable must promptly notify an animal welfare inspector who shall inspect the animal and determine whether to take it into possession. Police officers and First Nations Constables may do so by contacting the Ontario Animal Protection Call Centre at 1-833-9-ANIMAL (1-833-926-4625) and request to speak with an inspector.

Please note that police officers and First Nations Constables can contact local veterinary clinics for assistance in assessing the condition of an animal found in a motor vehicle, determining if removal is necessary to relieve its distress (i.e., one of the grounds to remove), and/or providing urgent veterinary care to the animal as required (e.g., treatment of heat stroke). Necessaries to relieve distress can be provided on the spot or with removal (if the conditions for the removal under Section 31 are met).

We appreciate your continued partnership to help safeguard animal welfare in Ontario.

Sincerely,

K. Weatherill

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