



July 6, 2020

Mayor and Members of Council
Municipality of South Huron
322 Main Street South
PO Box 759
Exeter, Ontario N0M 1S6

Re: June 15, 2020 – Delegation regarding Exotic Animal Bylaw Exemption

Dear Mayor and Members of Council:

Zoocheck Inc, is an international wildlife protection charity established in 1984 to promote and protect the interests and well-being of wild animals. We have conducted hundreds of zoo reviews and assessments in numerous countries, worked on developing and promoting wildlife in captivity legislation and regulations across Canada, conducted wildlife in captivity training workshops for policy-makers, enforcement personnel and NGOs, been involved in numerous legal actions and organized or participated in a number of animal rescues, involving primates, big cats, elephants and other animals. We are familiar with the state of wildlife in captivity in Ontario, current laws and regulations and the situation with big cats in Grand Bend.

World Animal Protection is the largest international animal welfare organization with an office in Canada with more than 160,000 supporters in Ontario. For more than 55 years, we have been working to protect animals from cruelty through practical and sustainable solutions that help people and animals alike. We work with local partners, governments and businesses to find practical ways to prevent animal suffering worldwide. We are an evidence-based organisation and in Canada are focussing on farming and wildlife issues, in particular the use of wildlife in entertainment and as pets.

We recently learned that a delegation was made by Mr. Brandon Vanderwel and Ms. Destiny Duncan (the proponents) at your June 15, 2020 Council meeting requesting an exemption to Bylaw #29-2014 for the keeping of two African lions as personal pets at 70114B Grand Bend Line in South Huron. We have read the submission documents and other materials provided in support of this request and we have viewed the online delegation made by Mr. Vanderwel and Ms. Duncan. We have also read several media articles about this issue, which include quotes sourced from the proponents. This letter contains a response commentary to a number of the points they raised.

We would like to state up front that Zoocheck and World Animal Protection are both opposed to the granting of an exemption to Bylaw #29-2014 that would allow the keeping of two African lions on Grand Bend Line, South Huron for the following main reasons:



1. The keeping of two lions as personal pets is contrary to the public interest as it will create an unnecessary risk to public safety (including, potentially, the safety of first responders) and, due to the lack of provincial oversight and regulation, increased burden on municipal finances and resources.
2. We have serious concerns about the welfare of the lions due to the close proximity of the Grand Bend Motorplex and the excessive sound levels produced by its various drag and speedway races and other events. We find it difficult to believe the cats would ever become habituated to the sound or that it would not be a substantial stressor on them. In addition, due to the danger the multitude of challenges associated with housing and managing big cats, including the need for large spaces, specialized care and the danger they pose, we agree with the major professional zoo and sanctuary associations and other professional groups that big cats are not suitable for keeping as pets by private individuals.
3. We are concerned at the lack of detailed plans and information regarding housing design and construction, husbandry practices, veterinary care, staffing, safety and security, and other issues.

We have provided opinion commentary on a range of our concerns in more detail below.

Lack of Provincial Regulation of Exotic Animals

Ontario does not currently regulate the keeping of exotic (non-native) animals in captivity. At the present time, any person can acquire exotic animals and keep them in a manner of their choosing as there are no comprehensive laws or regulations mandating specific animal welfare or human health and safety standards. In addition, the province does not require custodians of exotic animals, even dangerous species, to have any relevant formal education, employment experience or professional training.

Since there is no provincial licensing, oversight or other meaningful controls regarding exotic animals in captivity, individual municipalities in Ontario are saddled with the task of addressing local exotic animal issues and concerns on their own. It is their responsibility to provide oversight, ensure accountability and to assess each facility's animal containment and management practices to determine whether they pose a risk to public safety. This is challenging for most municipalities as few, if any, have the requisite expertise in exotic wild animal housing, husbandry, management and safety that would allow them to provide any degree of consistent, meaningful oversight.

Increased Municipal Costs

Allowing exotic wild animals to be kept as pets by private citizens or in unregulated menageries and roadside zoos can create risks to public safety, as well as generate complaints about noise, odours and disposal of animal waste, to name a few. Responding to these issues can result in increased expenditures of municipal staff time and resources. In the event of an animal escape, especially if potentially dangerous animals are involved, such as big cats, those costs may escalate. Ontario has experienced a number of dangerous exotic animal escapes, ranging from venomous snakes to tigers that have required police, fire, ambulance and animal control staff presence, often for many days.

Municipal costs can also escalate when dealing with problems after animals have been brought into a jurisdiction. Some municipalities in Ontario have in the past engaged in costly court battles and other actions, at considerable cost to taxpayers, as they attempt to have animals removed from within their boundaries.

Escalation and Expansion

The easy availability of exotic animals, largely due to the lack of provincial regulation, allows private exotic pet owners, menagerie operators and roadside zoo managers to rapidly expand the size and diversity of their live collections. In past years, tigers have been sold for as little as two or three hundred dollars or, in some cases, they have even been available for free, from owners who are desperate to get rid of them. Ontario does not regulate the keeping of exotic wild animals in captivity, so almost any kind of exotic animal can be obtained through private sellers and businesses, often quickly and at low cost.

When exemptions to local animal control/exotic animal bylaws are granted for specific locations, businesses or people, it can open the door to the acquisition of additional animals. An exemption may also bolster an applicant's case at the LPAT (Local Planning Appeal Tribunal) for a zoning bylaw change that would pave the way for a private menagerie or roadside zoo that allows public visitation. If that happens, the ability of a municipality to exercise control or to address problems and concerns will be substantially diminished or eliminated.

Commentary on several specific points

In their proposal, below an aerial image of the Grand Bend Line property, the proponents say, **"The image above is meant to serve as an example for what phase ones and two for what the enclosure layout could look like and how they would be set up."**

The cage outlines, superimposed over the aerial photo of the property, clearly one large cage and two, separate, smaller cages as Phase one, while Phase two is comprised of one large L-shaped cage divided into two sections. If the proponents intend on maintaining only two African lions, there is no need for the construction of three cages in Phase one and additional caging in Phase two.

During the proponent's June 15th Council delegation, they were asked if they had plans to increase their big cat collection by adoption or any other means. Mr. Vanderwel responded, **"We're not really planning on it. I mean, we've always wanted the approach of blessings and trust and faith. It's my number one priority right now, there's no question of that. If in the future that there is some situation where adoption is warranted in the community or elsewhere, I mean, I could go on for all kinds of different stories on why they need to be but I would definitely want to earn your trust at Council and Deputy Mayor at all of this stuff to make sure that everybody in the community, neighbours, feel comfortable but, as of right now, all we are seeking is just the two."** In a June 24, 2020 online Lakeshore Advance article and a June 28, 2020 CBC News article, Mr. Vanderwel is also quoted, "As of right now, all we're seeking is just the two (animals)."

The abovementioned statements suggest that the proponents intend to acquire additional animals in the future. We are not aware that they have made a request to the Municipality of South Huron that an exemption be restricted to only two cats. Nor are we aware of any promise or commitment that no additional animals would be acquired or that the two lions would be sterilized so they can't breed with each other (inbreeding of closely

related individuals is common in the pet trade) or with other cats that might be introduced at a later date, either temporarily or permanently.

Public safety - barrier heights

In their submission the proponents state **“We have based our decisions on fencing solely with the lion’s best interest at heart...we have taken the time to review several different inspection reports from CAZA and other organizations, letters and even common questions and concerns [sited] by a normal zoo or sanctuary guest.”** They say, **“The primary enclosures...will be 10 ft [3 m] tall...and will also include an inward angled overhang at roughly 45 degrees.”**

When decisions are made about the containment of potentially deadly wild animals, the first concern to address is whether or not the proposed caging and barriers can actually contain the animals, even in exceptional circumstances, and will human safety, including the safety of caretakers, bystanders, visitors, neighbours and community members, be ensured.

A quick review of available husbandry standards shows that the proposed 10 ft (3 m) height for the containment of African lions in South Huron is below what professional zoo organizations and experts recommend as minimum heights for keeping these animals.

The Association of Zoos and Aquariums (AZA), the leading zoo industry organization in the United States, produces the AZA Lion Care Manual (2012) for its professional member institutions. It says:

The jumping ability of lions should not be underestimated, and vertical jump walls (dry moats or exterior walls) in enclosures lacking a top should be tall enough to prevent jumping or climbing out. Current practice for new exhibits in AZA institutions has been a minimum 4.5 m (15 ft) height with a turnback/overhang.

The Australian NSW Department of Primary Industries’ *Standards for Exhibiting Carnivores in New South Wales* (2016) also places the minimum height requirement for lion fencing at a minimum of 4.5 m (15 ft).

The Zoological Association of America’s *Animal Care and Enclosure Standards and Related Policies* (2016) require even higher barriers for lions,

*Outdoor exhibits (uncovered) shall have vertical jump walls at least 14 feet high, **plus a 2-foot**, 45-degree, inward angle overhang with a hot wire, or a 36” overhang without hotwire or vertical jump walls at least 16 feet high, without an overhang.” Like other professional zoo associations, the “ZAA does not support the keeping of Class I wildlife [including lions] as pets. Class I wildlife are to be maintained solely in breeding or exhibition facilities.*

Barrier Designs for Zoos (2008), a publication of India’s Central Zoo Authority, recommends chain-link fences 5 m (16.4 ft) high with 1.5 m (5 ft) overhangs at a 60-degree angle for the housing of Asiatic lions.

The world’s premier sanctuary accreditation organization, the Global Federation of Animal Sanctuaries, publishes numerous husbandry standards including Standards for Felid Sanctuaries (2018). For lions and

tigers, they require a fence height of 4.9m (16 ft). It should be noted that many sanctuaries, such as PAWS ARK 2000, use 5.5 m (18 ft) fences for the containment of big cats.

When determining barrier construction and height, it should be noted that lions (and tigers) are capable of jumping a vertical distance exceeding 3 m (10 ft) and a horizontal distance of more than 10 m (32 ft). Besides being able to jump substantial distances, agile lions and tigers are also known to climb, a fact that needs to be taken into consideration when determining barrier safety.

Electric barriers (hot wires) can be used as a complementary feature of barriers containing big cats. They are most often run along the top interior side of the barrier to discourage climbing over the top. Electric wires are not meant to compensate for excessively low or poorly constructed barriers, and they are not a foolproof deterrent. They are generally considered to be more of a psychological barrier than a real barrier.

Escapes

In their submission, the proponents address the issue of escapes by saying, **“Based on our research of the potential escapes, or “free roaming” large cats most have been almost solely from human error, and lack of proper security measures, protocols and training in place.”** They also say that lions can jump, but **“they rarely feel the need or desire to exert that much energy”** and they erroneously suggest that if lions are kept in good conditions, they won’t try to escape, **“In most cases where something like this has happened it has been because of lack of the mental health and enrichment support provided to them.”** They go on to say, **“Do you think you would want to leave? The point of the analogy above is for you to understand that a well cared-for lion – is a happy lion.”**

Big cats can be motivated to escape by curiosity, fear, aggression, excitement, unfamiliar people, close proximity of potential prey animals (such as deer), excessive reaction to novel stimuli (sights, sounds, odours) or other reasons. Escapes can involve bolting through open or partially open doors or gates, escaping or getting loose when being handled or in transport (human error), jumping over or digging under fences, capitalizing on escape opportunities created by poor cage design, construction, wear and tear on barriers and gates, or openings created by human vandals and unforeseen natural occurrences (e.g., fire, severe weather), to name just a few potential ways.

The suggestion that big cats that are well treated will not try to escape is not supported by evidence. Even when housing is excellent and high-quality husbandry routines are delivered by professional staff, big cats may and have escaped, if given the opportunity. That is why professional zoos and sanctuaries incorporate safety features, formal protocols, hands-off husbandry policies (in which they only deal with big cats through safe, specially designed barriers) and emergency procedures (which are regularly rehearsed) to mitigate the risk of escape or other mishaps as much as possible. Common institutional policies aimed at minimizing risk at professional facilities include:

- Keepers working in pairs or teams, so they can watch out for each other and call for help in the event of an accident.
- Mandatory keeper training on how to respond in emergency situations and annual training in the use of relevant emergency equipment such as jab poles, fire hoses and extinguishers, firearms, etc.

- Establishment of institution-wide emergency protocols with easy to understand terms that identify the threat level (e.g., Code Red or Code 1 for the highest level of danger, such as big cat escapes).

The suggestion that lions only rarely jump out of cages because “...**they rarely feel the need or desire to exert that much energy. In most cases where something like this has happened it has been because of lack of the mental health and enrichment support.**” Is not based on any evidence. As stated previously, lions have escaped from a range of different facilities, both good and bad, for a variety of reasons. The fact that lions can easily kill a human being and do occasionally escape, even from facilities with the highest standards of care, by jumping or climbing over fences, digging underneath barriers or bolting through doors is exactly why all containment safety features and management protocols need to be in place.

Custodians of these animals have to err on the side of caution and plan for the unexpected. The reality is that a big cat may seem to be safely contained in a cage for months or years, and then one day that same animal may unexpectedly jump or climb over its barrier. Cage and barrier design and animal management protocols must take into account the capabilities of the animals, even in exceptional circumstances, and the risk they can pose. In Ontario, some private keepers who thought their cats were securely contained have experienced escapes, while others who interacted with their big cats for months or years were eventually injured or killed by them.

Lack of education and professional training

In their written submission to Council the proponents do not state that they have any formal education, training or experience obtained in a professional zoo or sanctuary. With the exception of volunteering at a private menagerie in Grand Bend and doing a modest amount of internet research, we are not aware of them having any relevant experience or expertise.

While the efforts the proponents have made to educate themselves are laudable, in no way does it circumvent the need to acquire formal education, experience and/or professional training. Today there are numerous opportunities for professional development, including wildlife husbandry and zookeeping courses (some connected with major colleges and universities), short-term zoo schools operated by the Association of Zoos and Aquariums (and other zoo organizations), volunteer programs in reputable zoos and sanctuaries, professional mentoring programs, as well as numerous industry conferences and workshops.

During the proponent’s delegation to Council on June 15, 2020, in response to a question about who would be on the property when the lions were there, Mr. Vanderwel responded, **“I gotta be real. We don’t have employees and stuff like that. There will always be one person there, you know, that is more than capable of dealing with an emergency situation...it can be managed by one person, now in saying that Destiny and I do spend a lot of time, like doing different things with them, there are always two people at that time.”**

Ms. Duncan said, **“It’s not going to be a business, there won’t be employees looking after them...It’s not going to be a zoo in any shape or form, myself and Brandon will be present or one of the other volunteers that we’ve built a relationship with the cats would be present if we weren’t able to be.”**

We have concerns about the lack of staff and the fact that, at times, only one person, possibly a volunteer as indicated by Ms. Duncan, will be on the property. What level of knowledge, experience, expertise or professional

training will volunteers or others who attend the property have? What safeguards will be in place to protect them? Will they be engaged in the regular husbandry routine and, if so, what if something goes wrong, such as an attack, while they were there alone? These and many other questions should be answered in advance.

Dangerous contact and unsafe interactions?

In their submission, the proponents included numerous photos of them interacting with captive juvenile lions, presumably the two that they intend to bring to Grand Bend Line. We find these images disturbing and have concerns that this kind of free contact will continue as the lions mature into full adulthood. Some big cat owners in Ontario who claimed that it was safe to physically interact with their animals or who entered their enclosures were eventually injured or killed by their animals. Examples here in Ontario include Norman Buwaldha in Southwest Middlesex and Graydon Edwards in Hanover who were both killed after entering cages housing big cats.

There are numerous other cases in Ontario and elsewhere in Canada that illustrate just how dangerous big cats can be including a young woman working at the Dornoch Zoo who was mauled through a barrier by a lion and a young boy who was attacked by a lion through a barrier, and lost his arm as a result, at the now defunct 1000 Islands Wild Kingdom in Gananoque. There have also been numerous incidents involving other big cats, including through barriers, such as the death of a young women in British Columbia by her boyfriend's pet tiger when it grabbed her through the fence separating them.

Even the best professional trainers can't always read their animals and the dangers they pose. For example, some years ago during a performance at Canada's Wonderland, a world-renowned, Ontario-based, big cat trainer was attacked by a lion he had worked with for years. In recent months and years, throughout the world, there are numerous documented accounts of lion attacks on highly trained and professional keepers resulting in human injuries and deaths.

Professional zoo and sanctuary operators and their respective associations consider big cats (particularly lions and tigers) to be among the most dangerous animals kept in captivity. Most professional facilities have strict no contact rules for these animals and, to prevent human injury or death and a range of other safety precautions are taken when dealing with them.

According to the *Husbandry Guidelines for African Lions* (Australia, 2009),

*"All lions are a **DANGEROUS/ HIGH RISK** and have the potential of fatally injuring a person. Precautions must be followed when working with lions."*

According to the AZA Lion Care Manual (AZA Lion Species Survival Plan®, 2012),

"Free contact with adult lions is very dangerous and is not recommended under any circumstances." It also states that lions "can easily cause injury or death to other animals and humans. Even young animals are capable of injuring animal caretakers, and staff should not enter cages of juvenile or adult individuals no matter how tame they were as cubs."

Even direct touching through a barrier can be hazardous,

“Lions are very strong and quick, so [trained professional] keepers that scratch or touch a cat directly through the mesh are at risk of being bitten, scratched, or having their fingers smashed.”

A lack of standard safety features and professional management practices pose a substantive risk to public safety. Many private big cat owners downplay, overlook, ignore or seem to be unaware of the dangers posed by their animals. They may choose to accept the risk of interacting with them, but visitors, volunteers, bystanders, neighbours and community members usually have not, and they should not be put at risk. Lions, tigers and other big cats are considered to be among the most dangerous animals kept in captivity and they should be treated as such.

First responder risks

Local police, fire, ambulance, rescue and animal control services personnel are not typically trained or equipped to deal with dangerous wild animals. If a keeper were to be attacked while in a cage or through an encounter with an escaped animal elsewhere, there is little first responders could do, except to kill the cat. The option of darting an animal, rendering it unconscious and then returning it to its cage is often not feasible, especially at night. Several cases of big cats escaping and being on the loose for many hours or days have occurred in Ontario, requiring fulltime attendance by police and other first responders. Additionally, while addressing emergency situations involving dangerous animals, first responders may also be putting themselves at risk, particularly if they are in close proximity to animals that are confused, anxious and fearful.

In conclusion, for the reasons stated in this letter we reiterate our opposition to the granting of an exemption to Bylaw #29-2014 that would allow the keeping of two African lions on Grand Bend Line, South Huron. We are happy to provide additional information or to answer any questions you may have. Thank you for considering this communication.

Sincerely,



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