

# Committee of the Whole (1) Report

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**DATE:** Tuesday, May 30, 2023

**WARD(S):** ALL

**TITLE:** BACKYARD HENS

**FROM:**

Gus Michaels, Deputy City Manager, Community Services

**ACTION:** DECISION

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## **Purpose**

This report recommends against the keeping of backyard hens on residential properties in the City and proposes the immediate cessation of the pilot program, with associated implementation of regulatory measures for existing, lawful, backyard hens being kept until such time of their death.

## **Report Highlights**

- The keeping of two backyard hens has been permitted on a trial basis since December 2020.
- The recommendations in this report oppose the keeping of backyard hens due to public health concerns and the current highly pathogenic (H5N1) Avian Influenza pandemic.

## **Recommendations**

1. THAT amendments not be made to Animal Control By-law 066-2020 to permit the keeping of backyard hens;
2. THAT the pilot program to keep backyard hens in the City of Vaughan be concluded with immediate effect;
3. THAT any person lawfully keeping two backyard hens be permitted to keep those existing birds until the birds' death; and
4. THAT any person who is actively participating in the pilot program as of June 6, 2023, make contact with Animal Services prior to June 30, 2023, to register their birds and receive information on disease mitigation.

## **Background**

As a result of direction received from Council, backyard hens have been permitted on residential properties on a trial basis since December 2020. During this period, no substantial complaints have been received by Animal Services, indicating to staff that backyard hens can be permitted in Vaughan without any disruption to the community, provided that the appropriate care and control measures are implemented. Staff have reviewed current policies and by-laws alongside those of other municipalities and partner agencies and considerations were deliberated with respect to disease prevention in light of the recent highly pathogenic (H5N1) Avian Influenza pandemic. At this time, regardless of the level of regulation, staff do not believe that backyard hens can be kept in a manner which protects the interests of public health and zoonotic risk mitigation.

## **Previous Reports/Authority**

[Communication from Lito Romano - December 1, 2020](#)

[Extract from Council Meeting Minutes of December 15, 2020](#)

[City of Vaughan Animal Control By-law 066-2020.](#)

## **Analysis and Options**

As in other municipalities, the issue of backyard hens has been raised as residents of the City of Vaughan seek to produce their own eggs. The COVID-19 pandemic gave way to renewed discussions regarding the viability of backyard hens as more individuals sought means of being more self-sufficient and changing societal norms emphasized spending more time at home.

## **Considerations**

### **Noise**

Although noise is a consideration with the keeping of birds, unlike their male counterparts, hens do not produce a significant level of noise. Moreover, chickens in general produce around 60-70 decibels of noise, compared to a dog bark which is around 90 decibels.

### **Predation**

As they are unable to fly or meaningfully defend themselves from a predator's attack, backyard hens are especially vulnerable to predation and can be easy targets for coyotes, dogs, foxes, cats, weasels, skunks, raccoons, snakes, opossums, birds of prey (such as hawks and owls), and other predators, which could be as small as rats. Additionally, uncollected eggs attract predators and rodents, especially in the winter, and are also attractants for coyotes, cats, raccoons, and snakes.

### Range Habitats

Chickens are natural foragers, whose diet consists of grains, insects, grit, etc. which may have a detrimental effect on softscapes of yards (grass, plants, bushes, etc.).

### Health Concerns

Salmonella, Campylobacter, and E.coli bacteria can be found in poultry droppings, eggs, and on their bodies, as well as their housing materials and immediate environment (plants, soil, etc.). These bacteria can transmit from poultry/environment to humans via their hands, shoes and clothing, and can cause gastrointestinal illness, especially in groups of people at higher risk (young children, elderly persons, individuals with compromised immune systems). Additionally, increased stress in birds can exacerbate shedding of pathogens and spreading of disease from hens to humans.

Chickens produce a large amount of waste (approximately one pound of manure a month, per chicken), which can emit strong backyard odours and contain pathogens. Weather (rain and heat) have a direct impact on the amount of odour, which can be stronger in summer months and attract flies and other insects during warm weather. Unlike aged manure, fresh chicken manure is not beneficial for plants or the compost heap. Only rain and cold weather will break down the harmful ammonia in chicken waste products, which creates a necessity for a safe waste removal and storage system and daily sanitation of coop(s) is required.

Hens can be prone to lice and mites, which are easily transferrable to humans and other animals and can cause various infections and skin irritations. As backyard hens will not have access to dust baths that are naturally available in traditional farm settings, owners must ensure appropriate treatment is available if needed.

### Husbandry/Care

Adequate space is required for proper welfare of hens. As a minimum standard, 3 square feet of space within a hen house/coop and 10 feet of space within an enclosed outdoor run is required for each hen. Providing adequate space prevents overcrowding and associated problems such as stress, bullying and disease transmission.

Housing requirements for poultry change with weather patterns. A properly insulated building that will provide protection from the elements is required, with enough heat to keep the birds comfortable and ventilation to prevent overheating in warmer months. In all seasons, appropriate air exchange/ventilation must be provided to remove ammonia generated by manure and decrease unpleasant odours. Proper secure food storage is essential to prevent rodent infestations.

## Jurisdictional Scan

Backyard hens are permitted and regulated in many municipalities across Ontario. Some municipalities are currently engaged in pilot projects, whereas others have made the decision to permit the keeping of backyard hens on a permanent basis. However, Avian Influenza has created a negative impact on these programs, and many are being reviewed.

<b>Municipality</b>	<b>Stage of Program</b>	<b>Regulations</b>
Brampton	Permanent	2 hen limit
Mississauga	Pilot	4 hen limit
Hamilton	Permanent	4 hen limit
Halton Hills	Permanent	4 hen limit
Toronto	Pilot	CANCELLED

The City of Toronto cancelled their backyard hen pilot program on May 10<sup>th</sup> with immediate effect. Persons who presently have backyard hens that were lawful under the pilot program are permitted to keep those hens until their death. Toronto staff noted that there was limited uptake of the program and that although there were no significant issues since it was introduced in 2018, the Avian Influenza pandemic has introduced substantial risk to birds, mammals, and humans.

### **Enforcement Regulations for Hens Currently Being Kept**

Backyard hens presently being kept under the provisions of the pilot program are subject to all “Care of Animal” regulations as stipulated by the Animal Control By-law.

#### Seizure and Impoundment of Poultry Found at Large

If a backyard hen is found at large, it shall be impounded for 24 hours after the date of its seizure. If the hen was seized on a day when the animal shelter is closed, the hen will be held for 24 hours after the time when the shelter is next open for business. During the applicable 24-hour time period, the owner may redeem the hen subject to the applicable provisions of the by-law. If the hen is not redeemed within the 24-hour time period referred to above, the hen shall become the property of the City and the City may transfer ownership of the hen or euthanize the hen. Due to space constraints at the shelter and specialty care requirements, Animal Services cannot accommodate hens for longer than 24 hours.

### Registration Requirements

Staff are not proposing a licensing requirement for existing backyard hens; however, a no-cost registration is being recommended. Registration will allow staff to track the location of backyard hens for statistical and enforcement purposes, including being able to return chickens that may be at large, and for tracking of any disease and nuisance concerns. Only residential properties with single-family dwellings can be registered.

### Inspections

Compliance inspections will be conducted upon registration and on an as needed, complaint-based, and random basis thereafter for existing backyard hens.

### Financial Impact

Staff do not anticipate any additional enforcement or administrative costs.

### Operational Impact

Staff do not anticipate any operational impacts.

### Broader Regional Impacts/Considerations

There is a risk of potential avian-related viruses, such as Avian Influenza, which may require interventions from partners at regional and provincial agencies.

### Conclusion

Permitting backyard hens in Vaughan could result in significant health risks for birds, mammals and humans given the rapid global spread of Avian Influenza.

For this reason, staff cannot support the keeping of backyard hens at this time. This is in line with advice being provided by partner agencies and actions being taken in other municipalities, including Toronto, who has long been considered the municipal leader in backyard hen regulations in Ontario.

**For more information**, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, extension 8952.

### Attachments

N/A

### Prepared by

Chris Slik, Manager, Animal Services, extension 8992.

**Approved by**



Gus Michaels, Deputy City Manager  
Community Services

**Reviewed by**



Zoran Postic  
on behalf of Nick Spensieri,  
City Manager