

City of Mississauga
Corporate Report



| | |
|---|---|
| <p>Date: April 5, 2021</p> <p>To: Chair and Members of General Committee</p> | <p>Originator's files:</p> |
| <p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p> | <p>Meeting date: April 28, 2021</p> |

Subject

Coyote Management Program Enhancements

Recommendation

1. That the corporate report from the Commissioner of Transportation and Works, dated April 5, 2021 entitled "Coyote Management Program Enhancements" be approved.
2. That a by-law be enacted to amend the Animal Care and Control By-law 98-04, as amended, to address wildlife feeding and fines, as outlined in the corporate report from the Commissioner of Transportation and Works, dated April 5, 2021 entitled "Coyote Management Program Enhancements".

Executive Summary

- The City's Coyote Management Program has represented a comprehensive, balanced and science based wildlife strategy. The program incorporates public safety, education, environmental impacts and enforcement to promote safe communities for people and their pets and foster a safe coexistence with coyotes. Through continuous assessment and evaluation staff have identified further opportunities for enhancement.
- A Coyote Conflict Classification & Response Table (Response Table) has been developed to guide responses based on coyote behaviour. The Coyote Response Table outlines the continuum of coyote behaviour and how Officers will respond. It will also serve to provide a common understanding of the City's role for the public.
- The Animal Care and Control By-law 98-04, as amended (the 'By-law') will be amended to widen responsibility to property owners and occupiers in order to more effectively address wildlife feeding. Increases of fines associated with wildlife feeding will serve as a stronger deterrent of violations.
- The By-law will be amended to reference minimum (\$500) and maximum (\$100,000) fines under the Offences section, as provided under the *Municipal Act, 2001*, in order to serve

as a stronger deterrent of By-law violations.

- Staff will make an application to the Ministry of the Attorney General to increase the set-fine amount from \$100 to \$300 under Part I of the *Provincial Offences Act* for violations of wildlife feeding.
- There is no financial impact to the City.
- These enhancements will better equip staff to address wildlife feeding violations which are a significant contributor to unwanted coyote activity in the City and demonstrates the importance that the City places on feeding violations, problem wildlife and community safety issues.

Background

When wildlife conflicts arise, a municipality and any applicable landowner must comply with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c. 41 (the “*Wildlife Act*”). The Ministry of Natural Resources and Forestry (the “MNR”) can assist municipalities by providing educational information or by making referrals to the appropriate agencies or trappers to manage problem animals.

In addition, the *Wildlife Act* prohibits the trapping and relocation of wildlife beyond their home territories to minimize suffering and death of relocated animals and minimize the spread of transmissible diseases such as rabies.

The science has not changed. Wildlife authorities and experts agree that coyotes cannot be successfully re-located or culled. In the absence of public safety issues they recommend coexistence based on fact and science.

The City has maintained a comprehensive, balanced and science-based wildlife strategy involving all stakeholders, incorporating public safety, education, environmental impacts and enforcement. This has been done in an effort to promote safe and harmonious communities for people and their pets and foster a safe coexistence with coyotes which has been the foundation of the City’s Coyote Management Program.

Present Status

Mississauga’s Coyote Management Program seeks to minimize conflicts between coyotes and residents, or their pets. The program includes:

- Community education;
- Tracking, monitoring and assessing coyote activity;
- Field response for unwanted coyote activity; and
- Wildlife feeding regulation.

The following table outlines the number of sightings and verified reported conflicts occurring in the City of Mississauga since 2017.

| Reported Activity | | |
|--------------------------|------------------|------------------|
| | Reported | Reported |
| | Sightings | Conflicts |
| 2017 | 531 | 10 |
| 2018 | 631 | 17 |
| 2019 | 788 | 16 |
| 2020 | 1232 | 13 |

Reported Sightings

Public coyote activity collection and monitoring significantly improved in 2020 with the introduction of an enhanced online coyote activity reporting tool and interactive mapping solution on the City's web-site. Images of the New Interactive Coyote Sighting Map are attached to this report as Appendix 1.

This increase is largely attributable to the improved interactive coyote activity reporting tool and map and the increased level of awareness being fostered by staff through its pro-active education and response efforts.

Reported Conflicts

Reported conflicts with pets peaked in 2018 and have since declined by 24% in 2020. This has included a 36% reduction in dog conflicts. Notably, four of the thirteen reported pet conflicts in 2020 involved owned cats that were permitted to be outdoors unsupervised.

Reported conflicts with pets continues to involve consistent factors, including:

- when the subject animal is unsupervised on a residential property;
- when the property is bordered by a natural area; and
- when the subject animal is off-leash, on extended leashes or not under reasonable control by their owner.

Comments

Field Response: Conflict Classification & Response Table

A Coyote Conflict Classification & Response Table (to be referred to as 'Response Table') has been developed to complement the City's Coyote Management Program (see below). The Response Table is based on extensive research and experience and focuses on effective coexistence with urban coyotes. The Response Table offers a general guide of responses given an identified coyote encounter or conflict classification, and is reflective of the Animal Services' current standard operating procedure for coyote activity response. Similar response tables can be found within the Humane Society of the United States' coyote management and coexistence plan template and in the City of Calgary's coyote response structure.

Human-Coyote Conflict Classification & Recommended Responses

| Class | Coyote Behaviour | Response by Animal Services* |
|--------------------------|---|--|
| Sighting | Coyote seen | <ul style="list-style-type: none"> Location plotted on the online coyote map |
| Encounter | Coyote entering a yard with pets, no incident | <ul style="list-style-type: none"> Location plotted on the online coyote map Educate resident(s) on coyote behaviour and possible wildlife attractants |
| | Coyote entering yard with people and pets, no pet attack occurring | <ul style="list-style-type: none"> All preceding response measures Conduct site inspection, if applicable |
| | Coyote following or approaching a person or pet (includes being chased) with no incident | <ul style="list-style-type: none"> All preceding response measures Educate resident on hazing techniques |
| Conflict | Coyote injures or kills unattended pet on owner/harbourer's property | <ul style="list-style-type: none"> All preceding response measures Notify Ward Councillor Patrol for bold coyote behavior and possible wildlife attractants Escalated hazing may be performed by Animal Services Field Officers |
| | Coyote injures or kills pet off leash/not in the control of the owner/harbourer | <ul style="list-style-type: none"> All preceding response measures Notify Ward Councillor Patrol for both coyote behavior and possible wildlife attractants Escalated hazing may be performed by Animal Services Field Officers |
| | Coyote injures or kills pet on leash | <ul style="list-style-type: none"> All preceding response measures Mobile signage may be utilized in area for safety & awareness messaging Temporary closure of pathway or park may be considered |
| Potential Human Conflict | Coyote aggressive toward person, showing teeth, vocalizing, back fur raised, lunging, nipping without contact | <ul style="list-style-type: none"> All preceding response measures Advanced behavioural reconditioning may be introduced Trapping/Removal may be considered |
| Human Conflict | Coyote bite on human | <ul style="list-style-type: none"> All preceding response measures Advanced behavioural reconditioning may be introduced Trapping/Removal may be considered |

*Exceptions may be considered depending on factors present during investigation

Appendix 2, Table of Definitions, provides further detail on Animal Services' responses.

Investigations involving reported wildlife behaviour is highly subjective. Each case involves numerous factors which require appropriate investigation in order to inform staff's response. Staff will always seek to confirm details and validity of reports prior to pursuing escalated actions.

Third party services for advanced coyote behavioural conditioning may be pursued once a staff investigation has determined that more aggressive behaviour modification is required or where trapping / removal of the subject animal may be an ultimate outcome.

Wildlife Feeding Regulation

In order to effectively address concerns arising from conflicts with urban wildlife, the community needs to take notice of the contributing by-law violations that are resulting in these unwanted wildlife activities. Wildlife feeding is a community matter.

Wildlife feeding complaints have increased 51% from 2019 to 2020 and staff have experienced a significant increase in identified wildlife feeding violations through the investigation of complaints of unwanted wildlife activity, including unwanted coyote activity.

Greater accessibility to food attractants in residential areas can result in greater availability of natural prey items, such as rats. As a result, apex species like coyotes could be drawn further into public parks and residential areas where it may once have been rare to see them. Less intentional wildlife feeding, such as the keeping of vegetable gardens, ill-kept birdfeeders, accessible garbage and compost containers and windfall from fruit trees may also serve as attractants for unwanted wildlife activity.

The regulation of wildlife feeding is currently provided for in the Animal Care and Control By-law 98-04, as amended (the "By-law"), which includes:

- 10) No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by, a wild animal, feral or stray domestic animal on private or public property. (242-11)

There are exceptions to this regulation including the responsible feeding of song birds and operation of a City-approved feral cat colony that is supported under the City's Trap, Neuter and Return Management program.

Within the current By-law language, if a resident is reported to be feeding wildlife in their own yard, the presence of food stuffs in the yard in the absence of observing the act of feeding may not be sufficient to charge and prosecute. This could result in the prohibited wildlife feeding activity continuing and staff being unable to address the consequences of the feeding.

Proposed By-law Amendment

Staff recommend revising the language in the By-law to remove the element of intent and widen responsibility to property owners and occupiers in order to address wildlife feeding. Staff recommend that section 10 (referenced above) be revised to:

“No person shall feed or permit the feeding of a wild animal or leave or permit the leaving of food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by, a wild animal, feral or stray domestic animal on private or public property.”

Wildlife Feeding Fines

A scan was completed in August 2020 on wildlife feeding regulation and fines in nine comparable municipalities. The table below provides an outline of the results from this scan.

| Wildlife Feeding Fines | |
|-------------------------------|-------------------|
| MUNICIPALITY | AMOUNT |
| Brampton | up to max \$5000 |
| Burlington | \$365 |
| Calgary | \$300 - \$500 |
| Guelph | up to max \$10000 |
| Hamilton | \$100 |
| Kitchener | up to max \$5000 |
| Markham | \$240 |
| MISSISSAUGA | \$100 |
| Toronto | \$365 |
| Oakville | \$300 |

With the exception of Hamilton, Mississauga’s current fine of \$100.00 was the lowest fine of the scanned jurisdictions and may be insufficient as an effective punitive measure and deterrent in addressing feeding violations. Details of the ‘Wildlife Feeding Penalties Scan’ is attached to this report as Appendix 3.

Staff will make an application to the Ministry of the Attorney General to increase the set-fine amount under Part I under the *Provincial Offences Act* (“POA”) for violations of wildlife feeding. Staff recommend an increase from \$100 to \$300.

Proposed By-law Amendment

The existing Offences section of the By-law does not reference fine amounts and as such, the default maximum fine for a By-law violation under the POA is \$5000 where a person is convicted of a Part III offence. Staff recommend that the Offences section of the By-law be amended to reference minimum (\$500) and maximum (\$100,000) fines, as provided under the *Municipal Act, 2001*, where a person is charged by laying of an information under Part III of the POA. Part III charges are normally laid for more serious offences.

These enhancements will better equip staff to address By-law violations, particularly wildlife feeding violations, which are a significant contributor to unwanted coyote activity and other nuisance wildlife in the City. These measures will also demonstrate the importance that the City of Mississauga places on feeding violations, problem wildlife and community safety issues.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

Through these recommended enhancements, Mississauga's Coyote Management Program continues to align with best practices in urban coyote management in North America to reduce negative interactions between residents and coyotes and contributes to achieving the three primary program objectives: field response for unwanted coyote activity; community education; and wildlife feeding regulation.

Attachments

Appendix 1: Interactive Coyote Sighting Map

Appendix 2: Response Table Definitions

Appendix 3: 2020 Municipal Scan – Wildlife Feeding Fines



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Jay Smith, Manager, Animal Services