

ANIMAL

Chapter 321

KENNEL

CHAPTER INDEX

Article 1 INTERPRETATION

321.1.1	Administrative Penalty By-law – defined
321.1.2	Animal - defined
321.1.3	Applicant - defined
321.1.4	Commissioner - defined
321.1.5	Corporation - defined
321.1.6	Council – defined
321.1.7	Keep or Kept - defined
321.1.8	Kennel - defined
321.1.9	Licence - defined
321.1.10	Licence Hearings Committee
321.1.11	Licensing Officer - defined
321.1.12	Manager – defined
321.1.13	Municipal By-law Enforcement Officer - defined
321.1.14	Other animal – defined
321.1.15	Repealed: By-law 26-20, 8, July, 2020
321.1.16	Person - defined
321.1.17	Penalty Notice – defined
321.1.18	Town - defined

Article 2

PREMISES REQUIREMENTS

- 321.2.1 Operator - requirements - set out
- 321.2.2 Location - distance from property line - minimum
- 321.2.3 Building - attached - floor - drainage
- 321.2.4 Licence - must comply with zoning
- 321.2.5 Fence - minimum requirements - outside areas
- 321.2.6 Fence - not required - distance from property line

Article 3

MAINTENANCE - ANIMAL CARE

- 321.3.1 Operator - requirements - set out
- 321.3.2 Inspection - animal - before admission
- 321.3.3 Disease - outbreak - kennel - closed
- 321.3.4 Maintained - clean - sanitary - well-ventilated
- 321.3.5 Floors - cages - cleaned - washed - daily
- 321.3.6 Bedding - ventilation - light - temperature
- 321.3.7 Feeding - watering - requirements - disease - prevented
- 321.3.8 Inspection - at any time - authorized officer
- 321.3.9 Kennel - licence - fee qualifications - requirements

Article 4 REPORT TO COUNCIL

- 321.4.1 Report to Council

Article 5

LICENCE NON-TRANSFERABLE WITHOUT COUNCIL APPROVAL

- 321.5.1 Licence not transferable

Article 6

GROUND FOR REFUSAL TO ISSUE OR RENEW A LICENCE

- 321.6.1 Licence – entitlement
- 321.6.2 Licence refused - financial position
- 321.6.3 Licence refused - past conduct of applicant
- 321.6.4 Licence refused - contrary to public interest
- 321.6.5 Licence refused - activities in contravention of this Chapter
- 321.6.6 Licence refused - premises - use - non-compliance
- 321.6.7 Licence refused - applicant provides false information
- 321.6.8 Licence refused - information provided no longer accurate
- 321.6.9 Licence refused - fee not paid
- 321.6.10 Licence refused - applicant - non-compliance
- 321.6.11 Licence refused - corporation - conditions

Article 7

COUNCIL'S POWER TO REFUSE TO ISSUE OR TO RENEW A LICENCE

- 321.7.1 Council's power to refuse to issue or renew a licence

Article 8

REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE

- 321.8.1 Licence not issued - refund of fee

Article 9

ISSUANCE OF LICENCE ON TERMS AND CONDITIONS

- 321.9.1 Licence issued - terms and conditions

Article 10

COUNCIL'S POWER TO REVOKE OR SUSPEND A LICENCE

- 321.10.1 Licence revoked or suspended

Article 11

REFUND OF FEE ON REVOCATION OF A LICENCE

321.11.1 Licence revoked - refund of fee

321.11.2 Refund of fee - not applicable

Article 12

CANCELLATION OF A LICENCE

321.12.1 Licence - cancelled

Article 13

APPEALS TO THE LICENCE HEARINGS COMMITTEE

321.13.1 Licence refused - recommendation to Council

321.13.2 Licence refused - written notice

321.13.3 Written notice - contents

Article 14 NOTICE OF HEARING

321.14.1 Notice of hearing

Article 15

SERVICE OF WRITTEN NOTICE

321.15.1 Written notice - service

321.15.2 Written notice - service - via registered or certified mail

Article 16

HEARING BEFORE THE LICENCE HEARINGS COMMITTEE

321.16.1 Licence Hearings Committee - applicant does not attend

321.16.2 Recommendation to Council

Article 17

COUNCIL AUTHORITY AFTER THE HEARING

321.17.1 Recommendation - Licence Hearing Committee – decision

Article 18

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

- 321.18.1 Licence revoked - suspended - returned -
Licensing Officer
- 321.18.2 Licence revoked - Licensing Officer to obtain
licence

Article 19 TRANSITION

- 321.19.1 By-law – previous

Article 20 SEVERABILITY

- 321.20.1 Validity

Article 21 ENFORCEMENT

- 321.21.1 Fine - for contravention
- 321.21.2 Administrative Penalties
- 321.21.3 Administrative Penalties - Collections

Article 22 REPEAL - ENACTMENT

- 321.22.1 By-law - previous

WHEREAS section 150 of the *Municipal Act, 2001*, c. 25 authorizes the Council of the Town of Richmond Hill to pass by-laws for licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Town of Richmond Hill deems it advisable to enact a by-law to license, regulate and govern the establishment of kennels within the Town;

AND WHEREAS purposes of consumer protection will be served by this by-law through:

- the establishment of a well-administered licensing and regulatory system governing businesses to which the Chapter relates;
- the requirement of accountability of licensees through the disclosure of information, the requirement for regular

renewals and the ensuring of proper conduct;

AND WHEREAS purposes of health and safety will be served by this by-law through:

- ensuring that proper and adequate conditions are maintained for the dogs;

AND WHEREAS purposes of nuisance control will be served by this by-law through:

- the requirement that the owners achieve the appropriate zoning approval to operate this type of business;

AND WHEREAS Council at its meeting of December 12, 2005 adopted the recommendations of the Committee of the Whole at its meeting of November 30, 2005 in SRPD.05.183;

AND WHEREAS a public meeting was held in accordance with section 150 of the *Municipal Act, 2001*, c.25 on November 30, 2005;

AND WHEREAS notice of the intention to pass this by-law was given on November 15, 2005 in accordance with the provisions of Chapter 278 of the Town of Richmond Municipal Code Public Notice.

Article 1 INTERPRETATION

321.1.1 Administrative Penalty By-law – defined

“Administrative Penalty By-law” means the Corporation’s Administrative Penalty By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties. By-law 24-25, 26, March 2025

321.1.2 Animal – defined

“animal” means any member of the animal kingdom, other than human. By-law 24-25, 26, March 2025

321.1.3 Applicant - defined

“applicant” means a person applying for a licence under this Chapter.

321.1.4 Commissioner - defined

“Commissioner” means the Commissioner of Planning and Development of The Corporation of the Town of Richmond Hill.

321.1.5 Corporation - defined

“Corporation” means The Corporation of the Town of Richmond Hill in the Regional Municipality of York.

321.1.6 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill.

321.1.7 Keep or Kept – defined

“keep or kept” means to have temporary or permanent care and control or possession of an Animal. By-law 24-25, 26, March 2025

321.1.8 Kennel - defined

“kennel means a place whether enclosed or not, where more than three (3) dogs or four (4) cats are Kept of the purpose of keeping, breeding or boarding for commercial purposes. By-24-25, 26 March, 2025.

321.1.9 Licence - defined

“licence” means a licence issued by the Corporation to own or manage a kennel under this Chapter.

321.1.10 Licence Hearings Committee

“Licence Hearings Committee” means a Committee of Council duly appointed to conduct hearings under this Chapter. By-law 188-05, 12 December, 2005.

321.1.11 Licensing Officer - defined

“Licensing Officer” means a person appointed by the Commissioner from time to time to issue licences. By-law 145-08, 14 July, 2008.

321.1.12 Manager - defined

“manager” means a person who alone or with others operates, manages, supervises runs or controls a kennel.

321.1.13 Municipal By-law Enforcement Officer – defined

“Municipal By-law Enforcement Officer” means any individual or Person appointed for the purpose of enforcing the provisions of this By-law or all of the by-laws of the Corporation, and may include an Animal Control Officer or Provincial Offences Officer that has been designated by the Commissioner, or a police officer. By-law 24-25, 26, March 2025

321.1.14 Other animal - defined

“other animal” means any animal, other than a dog, which is kept as a household pet, but does not mean animals commonly known as livestock.

321.1.15 Repealed: By-law 26-20, 8 July, 2020

321.1.16 Person - defined

"Person" means an individual or a business, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof. By-law 26-20, 8 July, 2020.

321.1.17 Penalty Notice – defined

“Penalty Notice” means a notice given to a Person pursuant to Part 4 of the Administrative Penalty Bylaw. By-law 24-25, 26, March 2025

321.1.18 Town - defined

“Town” means The Corporation of the Town of Richmond Hill in the Regional Municipality of York.

Article 2

PREMISES REQUIREMENTS

321.2.1 Operator - requirements - set out

Every person who operates a kennel shall comply with the requirements set out in Sections 321.2.2 through 321.2.5 inclusive.

321.2.2 Kennel - Licence required

No person shall operate a kennel without first obtaining a Licence. By-law 26-20, 8 July, 2020.

321.2.3 Building - attached - floor - drainage

Where a kennel forms part of, or is physically attached to a building used for human habitation or to which the public has access, such kennel shall have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture, provided however, that the dogs or other animals may be kept in adequately sized cages constructed solely of metal or wire or partly of metal and partly of

wire and having metal or other impermeable bottoms.

321.2.4 Licence - must comply with zoning

No licence shall be issued for a kennel on premises where the Town's zoning by-law does not permit the use of those premises for such purposes.

321.2.5 Fence - minimum requirements - outside areas

Where dogs or other animals are permitted to use an outside area as part of a kennel there shall be constructed around the perimeter of such area, a solid board fence having a height of at least 1.2 metres (four feet); a gate which is at least 1.2 metres (four feet) in height or a wall of a building abutting such area shall be deemed to be part of the required fence.

321.2.6 Repealed: By-law 26-20, 8 July, 2020.

Article 3

MAINTENANCE - ANIMAL CARE

321.3.1 Operator - requirements - set out

Every person who operates a kennel shall comply with the requirements set out in Sections 321.3.2 through 321.3.7 inclusive.

321.3.2 Inspection - animal - before admission

Before any animal is taken into any kennel it shall be inspected as to distemper or other contagious or infectious disease.

321.3.3 Disease - outbreak - kennel - closed

If any kennel has an outbreak of distemper or other disease, the kennel may be closed at any time by the Licensing Officer or other person appointed by the Council.

321.3.4 Maintained - clean - sanitary - well-ventilated

At all times the kennel shall be maintained in a sanitary, well-ventilated, clean condition and free from offensive odours.

321.3.5 Floors - cages - cleaned - washed - daily

The floors of the kennels and cages referred to in Section 321.2.3 shall be cleaned and washed daily.

321.3.6 Bedding - ventilation - light - temperature

The dogs or other animals shall be kept in sanitary, well-bedded, well-ventilated, naturally lighted, clean quarters and such quarters shall be kept at a healthful temperature at all times.

321.3.7 Feeding - watering - requirements – disease prevented

The dogs or other animals shall be adequately fed and watered periodically each day and kept in a clean, healthy condition, free from vermin and disease.

321.3.8 Inspection - at any time - authorized officer

Any kennel operating within the Town of Richmond Hill shall be open to inspection by the Licensing Officer or other person appointed by the Council.

321.3.9 Repealed: By-law 26-20, 8 July, 2020

**Article 4
REPORT TO COUNCIL**

321.4.1 Report to Council

Where the Commissioner is of the opinion that an applicant for a licence does not comply with any one or all of the conditions set out in Article 6 of this Chapter, the Commissioner shall, upon the request of the applicant, report to Council and Council may, upon consideration of the report of the Commissioner, direct the Licensing Officer to issue the licence if, in the opinion of Council, the said conditions have been satisfied.

**Article 5
LICENCE NON-TRANSFERABLE WITHOUT COUNCIL
APPROVAL**

321.5.1 Licence not transferable

A licence issued under this Chapter shall not be transferred or assigned by the licence holder without the consent of Council upon the recommendation of the Commissioner.

**Article 6
GROUNDS FOR REFUSAL TO ISSUE OR RENEW A
LICENCE**

321.6.1 Licence - entitlement

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed

321.6.2 Licence refused - financial position

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where, having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

321.6.3 Licence refused - past conduct of applicant

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed, in accordance with law and with integrity and honesty.

321.6.4 Licence refused - contrary to public interest

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the issuance of the licence or renewal of the licence would be contrary to the public interest.

321.6.5 Licence refused - activities in contravention of this Chapter

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

321.6.6 Licence refused - premises - use - non-compliance

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where there are reasonable grounds for belief that the nature, condition or use of the premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this Chapter or any other law.

321.6.7 Licence refused - applicant provides false information

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee or applicant, contains a false statement or provides false information.

321.6.8 Licence refused - information provided no longer accurate

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the information provided to the Town by or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the Town sufficient to allow the Council to conclude that the licence should be granted or maintained as valid and subsisting.

321.6.9 Licence refused - fee not paid

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the fee payable in respect of the licence applied for has not been paid.

321.6.10 Licence refused - applicant - non-compliance

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where the applicant does not comply or ensure compliance with any condition imposed under this Chapter upon the business or upon the licensee, as a requirement of obtaining, continuing to hold

or renewing a licence.

321.6.11 Licence refused - corporation - conditions

Notwithstanding Section 321.6.1, a licence may not be issued or renewed where if the applicant or licensee is a corporation:

- a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
- b) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law;
- c) the issuance of the licence or renewal of the licence would be contrary to the public interest; or
- d) it is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

Article 7

COUNCIL'S POWER TO REFUSE TO ISSUE OR TO RENEW A LICENCE

321.7.1 Council's power to refuse to issue or renew a licence

Council may refuse to issue or renew a licence or may refuse to renew a licence, where the applicant or licensee would be disentitled to a licence for any of the reasons set out in Article 6.

Article 8

REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE

321.8.1 Licence not issued - refund of fee

When an application for a licence or renewal of a licence is refused, the applicant is entitled to apply to the Licensing Officer for a refund of up to 50 per cent of the application processing fee.

Article 9

ISSUANCE OF LICENCE ON TERMS AND CONDITIONS

321.9.1 Licence issued - terms and conditions

Notwithstanding any other provision of this Chapter, Council may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this Chapter, if first consented to by the applicant or licensee; or, if recommended by

the Licence Hearings Committee after a hearing as provided for in Section 321.16.1 of this Chapter.

Article 10

COUNCIL'S POWER TO REVOKE OR SUSPEND A LICENCE

321.10.1 Licence revoked or suspended

Council may revoke or suspend a licence where the licensee would be disentitled to a renewal of a licence on the grounds set out in Article 6 of this Chapter.

Article 11

REFUND OF FEE ON REVOCATION OF A LICENCE

321.11.1 Licence revoked - refund of fee

When a licence is revoked under Section 321.10.1, the licensee is entitled to apply to the Licensing Officer for a refund of that part of the licence fee which is proportionate to the unexpired part of the term for which the licence was issued.

321.11.2 Refund of fee - not applicable

The provisions of Section 321.11.1 do not apply when the unexpired part of the term is less than four months.

Article 12 CANCELLATION OF A LICENCE

321.12.1 Licence - cancelled

Any licence issued under this Chapter may be cancelled by the Licensing Officer at any time, upon the written request of the licensee.

Article 13

APPEALS TO THE LICENCE HEARINGS COMMITTEE

321.13.1 Licence refused - recommendation to Council

When an applicant or a licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in Article 6, the Licensing Officer shall recommend to Council that Council shall refuse to issue or renew the licence, or that Council suspend or revoke the licence, or, subject to Section 321.9.1, that Council issue a licence on terms and conditions.

321.13.2 Licence refused - written notice

Before Council refuses to issue or refuses to renew a licence, or revokes or suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to Council with respect to the licence, shall be

given to the applicant or licensee by the Licensing Officer.

321.13.3 Written notice - contents

The written notice to be given under Section 321.13.2, shall:

- a) set out the grounds for the recommendation;
- b) give reasonable particulars of the grounds;
- c) be signed by the Licensing Officer,
- d) inform the applicant or licensee that he or she is entitled to a hearing before the Licence Hearings Committee, if he or she delivers, within seven days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request for a hearing before the Licence Hearings Committee.

Article 14 NOTICE OF HEARING

321.14.1 Notice of hearing

On receipt of a written request for a hearing from an applicant or a licensee, the Licensing Officer shall require that the Clerk of the Town convene a meeting of the Licence Hearings Committee and shall give the applicant or licensee reasonable written notice thereof.

Article 15

SERVICE OF WRITTEN NOTICE

321.15.1 Written notice - service

The written notice referred to in Sections 321.13.2, and 321.13.3, is sufficiently served if delivered personally or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the Licensing Section records.

31.15.2 Written notice - service - via registered or certified mail

When service is made through registered or certified mail, the service shall be deemed to have been made on the seventh day after the day of mailing, unless the person on whom service is being made, establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the written notice until a later date.

Article 16

HEARING BEFORE THE LICENCE HEARINGS COMMITTEE

321.16.1 Licence Hearings Committee - applicant does not attend

When the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Licence Hearings Committee may proceed with the hearing in his or her absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.

321.16.2 Recommendation to Council

At the conclusion of a hearing, the Licence Hearings Committee shall provide its recommendations to the Council after which Council may make the decision.

Article 17

COUNCIL AUTHORITY AFTER THE HEARING

321.17.1 Recommendation - Licence Hearing Committee - decision

Council may accept or vary the recommendations of the Licence Hearings Committee or do any act or make any decision that it might have done if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

Article 18

RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

321.18.1 Licence revoked - suspended - returned - Licensing Officer

When a licence has been revoked or suspended, the holder of the licence shall return the licence to the Licensing Officer within twenty-four hours of service of written notice of the decision of Council.

321.18.2 Licence revoked - Licensing Officer to obtain licence

When a person has had his or her licence revoked or suspended under this Chapter he or she shall not refuse to deliver up or in any way obstruct or prevent the Licensing Officer from obtaining the licence, in accordance with Section 321.18.1.

Article 19

TRANSITION

321.19.1 By-law - previous

A license issued under the applicable by-law in effect immediately prior to the enactment of this Chapter shall remain in effect following the enactment of this Chapter only until the earlier of its expiry or its revocation.

Article 20 SEVERABILITY

321.20.1 Validity

If a court of competent jurisdiction declares any provision, or any part of a provision of this Chapter to be invalid or to be of no force and effect, it is the intention of the Council in enacting this Chapter, that each and every other provision of this Chapter authorized by law, be applied and enforced in accordance with its terms, to the extent possible according to law.

Article 21 ENFORCEMENT

321.21.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction is liable to a fine and other penalties imposed pursuant to the *Provincial Offences Act*.

321.21.2 Administrative Penalties

In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person(s) who has contravened this By-law in accordance with the service requirements of the Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a Person(s) for the breach, no charge shall be laid against that same Person(s) for the same breach. By-law 24-25, 26, March 2025

321.21.3 Administrative Penalties - Collections

A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, shall be subject to administrative fees as set out in the City's Tariff of Fees By-law and shall constitute a debt of the Person to the

Corporation, and may be added to a municipal tax roll and collected in the same manner as municipal taxes for which all Owners are responsible to pay. By-law 24-25, 26, March 2025

Article 22
REPEAL - ENACTMENT

321.22.1 By-law - previous

Chapter 321 of the Town of Richmond Hill Municipal Code respecting Kennels be repealed in its entirety and replaced. By-law 16-01 be repealed. By-law 188-05, 12 December, 2005; By-law 78-11, 11 July 2011; By-law 24-25, 26 March, 2025.