

Chapter 349

ANIMALS

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[HISTORY: Adopted by the Council of the City of Toronto 1999-02-04 by By-law No. 28-1999.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Toronto Zoo — See Ch. 329.

Fees and charges — See Ch. 441.

ARTICLE I
Definitions

§ 349-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL — All species of fauna excluding humans, fish and aquatic invertebrates.

ANIMAL CENTRE — A facility operated by or for the City of Toronto for the keeping and disposition of stray and admitted animals.

¹ Editor's Note: This by-law was passed under the authority of sections 210 and 220.1 of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law came into force on July 1, 1999. Furthermore, this by-law repealed Borough of East York By-law No. 88-97, being a by-law respecting the care and keeping of cats; Borough of East York By-law No. 39-80, as amended, being a by-law to provide for the licensing of and other matters respecting dogs; Borough of East York By-law No. 60-83, as amended, being a by-law to prohibit the keeping of certain animals and to regulate the keeping of certain other animals and birds within the Borough of East York; Borough of East York By-law No. 30-89, as amended, being a by-law to prohibit the keeping of certain kinds of animals; Borough of East York By-law No. 68-80, as amended, being a by-law to regulate the keeping of animals in the Borough of East York; Borough of East York By-law No. 122-96, as amended, being a by-law to require the muzzling of a dog after it has bitten any person or domestic animal; City of Etobicoke Municipal Code Chapter 95, Animals, as amended; City of North York By-law No. 32819, being a by-law to regulate animals in the City of North York; City of North York By-law No. 32823, being a by-law for the muzzling of dogs; City of Scarborough By-law No. 17902, being a by-law to regulate the keeping of pigeons, as amended; City of Scarborough By-law No. 22992, being a by-law to provide for the regulation and keeping of dogs and other animals or any class thereof within the municipality, as amended; City of Scarborough By-law No. 23892, being a by-law to prohibit and regulate the keeping of certain kinds of animals within the municipality; former City of Toronto Municipal Code Chapter 133, Animals, as amended; City of York Municipal Code Chapter 303, as amended, Animal Control; City of York Municipal Code Chapter 305, as amended, Dog Excrement Removal; City of York Municipal Code Chapter 317, as amended, Spaying-Neutering Clinic; City of York By-law No. 1192-87, as amended, being a by-law to require that owners of dogs remove excrement left by their dogs in the City of York; City of York By-law No. 2453-92, as amended, being a by-law to prohibit, restrict, regulate and license animals and birds; and Borough of York By-law No. 2510-76, as amended, being a by-law to establish, maintain and operate a clinic for the spaying or neutering of domestic animals in the Borough of York.

AT LARGE — Being found on any other property than that of the owner of the animal, and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property.

BITE — Piercing or puncturing the skin as a result of contact with a dog's tooth or teeth.

CAT — A feline of the species *Felis catus*.

DOG — A canine of the species *Canis familiaris*.

DWELLING UNIT — One room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals.

EXECUTIVE DIRECTOR — The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto or any person acting under his or her authority. **[Added 2009-03-31 by By-law No. 349-2009]**

FERRET — A ferret of the subspecies *Mustela putorius furo*.

KEEP — To have temporary or permanent control or possession of an animal; “keeping” has the same meaning.

MEDICAL OFFICER OF HEALTH — The Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority.

MICROCHIP — An approved Canadian standard, encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database accessible to the Executive Director. **[Amended 2009-03-31 by By-law No. 349-2009]**

MUNICIPAL LICENSING AND STANDARDS DIVISION — The Municipal Licensing and Standards Division of the City of Toronto and includes employees thereof. **[Added 2009-03-31 by By-law No. 349-2009]**

MUZZLE — A humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

OWNER — A person or persons who possess, harbour or have custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor.

PIGEON — Any of a widely distributed family of birds derived from self-sustaining captive populations of *Columbidae*.

POLICE WORK DOG — A dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.

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PROTECTIVE CARE — The temporary keeping of an animal to a maximum of five days, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the Executive Director deems appropriate. [Amended 2009-03-31 by By-law No. 349-2009]

RABBIT — A European rabbit of the species *Oryctolagus cuniculus*.

ARTICLE II
Prohibited Animals

§ 349-2. Keeping of certain animals prohibited.

- A. No person shall keep, either on a temporary or permanent basis, any prohibited animal in the City.
- B. For the purposes of Subsection A, prohibited animals are those classes of animals listed in Schedule A at the end of this chapter.
- C. Despite Subsection A, any person who, on the date of the passage of this chapter, was lawfully keeping any animal listed in Schedule A may keep that animal until the animal has died or has otherwise been disposed of, provided that the owner has registered the animal with the Medical Officer of Health by September 1, 1999.

§ 349-3. Exceptions.

Section 349-2 does not apply to:

- A. The premises of a City animal centre.
- B. The premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals.
- C. The premises of an accredited veterinary hospital under the care of a licensed veterinarian.
- D. The premises of the Toronto Zoo.
- E. The premises of facilities accredited by the Canadian Association of Zoos and Aquariums (CAZA).
- F. The areas of the City in which professionally produced films are being made by film professionals and film production companies, and only temporarily during filming.
- G. The areas of the City in which educational programs are being conducted with animals, if the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association and only while the educational programs

are actually being conducted, provided that such programs be limited to a maximum of three days at any one location.

- H. Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22.
- I. The premises of slaughterhouses licensed pursuant to the *Meat Inspection Act*, R.S.O. 1990, c. M.5.
- J. The premises of the Toronto Police Department.
- K. Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes:
 - (1) On lands owned and operated by the City listed in Schedule B at the end of this chapter; or
 - (2) On lands zoned agricultural.
- L. The premises of the Toronto Wildlife Centre.
- M. Foster programs under the supervision of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals, provided that these programs be limited to the rehabilitation of squirrels.

§ 349-4. Number of animals restricted.

Subject to § 349-17, no person shall keep in any dwelling unit more than six of any combination of dogs, cats, ferrets and rabbits except that any person who, on the date of the passage of this chapter, was lawfully keeping more than six of any combination of dogs, cats, ferrets and rabbits may keep those dogs, cats, ferrets and rabbits until they have died or are otherwise disposed of.

ARTICLE III
Care of Animals

§ 349-5. Responsibility to care for animals.

Every person who keeps an animal within the City's boundaries shall provide the animal or cause it to be provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.

§ 349-6. Enclosures for animals kept out of doors.

If an animal is customarily kept out of doors, the person having the custody or control of the animal shall provide for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension.

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§ 349-7

§ 349-7. Tethers.

- A. No person shall keep any animal in the City tethered on a chain, rope or similar restraining device of less than three metres in length.
- B. Every person who has tethered an animal shall ensure, at all times, that the animal has unrestricted movement within the range of the tether, and that the animal cannot suffer injury resulting from the tethering.

§ 349-8. Unsanitary conditions.

- A. No person shall keep an animal within the City in an unsanitary condition.
- B. For the purposes of Subsection A, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

§ 349-9. Protective care provided in City animal centres.

- A. Where an animal is sheltered at a City animal centre for protective care, a per diem sheltering fee shall be paid to the Executive Director in advance of redeeming the animal by the owner in the amount specified in Chapter 441, Fees and Charges. **[Amended 2005-06-16 by By-law No. 509-2005²; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]**
- B. Where an animal is not redeemed at the end of the protective care period, it shall be treated as an impounded animal.

ARTICLE IV
Dogs

§ 349-10. Registration; tags.

Every owner of a dog shall:

- A. Register the dog with the Executive Director and pay a tag and licence fee in the amount specified in Chapter 441, Fees and Charges. **[Amended 2005-06-16 by By-law No. 509-2005³; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]**

² Editor's Note: This by-law comes into force 2005-08-02.

³ Editor's Note: This by-law comes into force 2005-08-02.

- B. Until ceasing to be the owner of the dog, obtain a new tag and licence for the dog prior to the expiration of each licence issued for the dog which shall expire the following year on the anniversary date of its initial issuance.
- C. Keep the tag securely fixed at all times on the dog for which the tag is issued.
- D. Pay a tag replacement fee specified in Chapter 441, Fees and Charges, in the event the tag issued for the dog is lost. **[Amended 2005-06-16 by By-law No. 509-2005⁴; 2006-09-27 by By-law No. 1056-2006]**

§ 349-11. Dogs running at large.

- A. No owner of a dog shall cause or permit the dog to run at large in the City, except as permitted in those areas of City parks where dogs are permitted to run at large as designated by City by-law.
- B. For the purposes of this chapter, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
- C. No person shall keep a dog off the premises of the owner other than on a leash which shall not exceed two metres in length except where consent is given by the person owning the property where the dog is found.

§ 349-12. Exceptions.

- A. Sections 349-10 and 349-11 do not apply to police work dogs.
- B. Section 349-10A does not apply to any owner of a dog that has a lifetime licence issued for the dog by the former City of North York, Scarborough or Toronto.

§ 349-13. Seizure; impoundment; redemption; fees.

[Amended 2005-06-16 by By-law No. 509-2005⁵; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]

- A. Any dog running at large contrary to the provisions of this chapter may be seized and impounded by the Executive Director.
- B. Where, in the opinion of the Executive Director, a dog seized under Subsection A is injured or ill and should be euthanized without delay for humane reasons or safety to persons, the dog may be euthanized by the Executive Director without permitting any person to reclaim the dog.

⁴ Editor's Note: This by-law comes into force 2005-08-02.

⁵ Editor's Note: This by-law comes into force 2005-08-02.

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- C. Any dog seized by the Executive Director under Subsection A shall be impounded for a minimum period of five days from the time of its impoundment, exclusive of the day on which the dog was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the dog.
- D. If a dog is not redeemed within the time period referred to in Subsection C, the dog shall become the property of the City and may:
 - (1) Be adopted for a fee in the amount specified in Chapter 441, Fees and Charges; or
 - (2) Be euthanized by the Executive Director.
- E. Where a dog is seized and impounded by the Executive Director under Subsection A:
 - (1) A per diem impoundment fee shall be paid to the Executive Director in advance of redeeming the dog by the owner in the amount specified in Chapter 441, Fees and Charges; and
 - (2) The owner shall ensure the dog is identified with a microchip.
- F. Where a dog seized and impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the dog, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the person claiming the dog under this article the cost of the veterinary care to the Executive Director.

§ 349-14. Dogs that have bitten persons or animals; muzzles.

[Amended 2009-03-31 by By-law No. 349-2009]

- A. Where the Executive Director has reason to believe that a dog has bitten a person or domestic animal, the Executive Director shall:
 - (1) Where the bite is the first bite on record with the City, and where the bite occurred on the owner's premises, serve the owner with a notice of caution.
 - (2) Serve the owner with a notice to muzzle if in his or her opinion the bite referred to in Subsection A(1) is severe.
 - (3) Where the bite is a second or subsequent bite on record with the City, serve the owner with a notice to muzzle.
- B. Where the Executive Director has reason to believe that a dog has bitten a person or domestic animal in the City other than on the owner's premises, the Executive Director shall serve the owner with a notice to muzzle.

§ 349-15. Notice of caution and notice to muzzle; hearing; microchip.

- A. An owner who is served with a notice of caution or a notice to muzzle is entitled to a hearing by the Executive Director who may confirm the notice or exempt the owner from the muzzling requirements. **[Amended 2009-03-31 by By-law No. 349-2009]**
- B. To receive a hearing, the owner must mail or deliver to the Executive Director within 30 days after a copy of the notice of caution or notice to muzzle is served on the owner, notice in writing requesting a hearing. **[Amended 2009-03-31 by By-law No. 349-2009]**
- C. Although a hearing may be requested, a notice served pursuant to § 349-14 takes effect when it is served on the person to whom it is directed.
- D. Once a notice to muzzle has been issued and properly served upon the owner of the dog, no person shall permit the dog to be off the premises of the owner unless properly muzzled.
- E. For the purposes of Subsection D, where an owner of a dog has exclusive possession of part of a building or property, “premises” means that portion of the property of which the owner has exclusive possession.
- F. Once a notice to muzzle has been issued and properly served upon the owner of the dog, the owner of the dog shall ensure that the dog is identified with a microchip.

§ 349-16. Removal of excrement.

Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the City.

§ 349-17. Number of dogs restricted.

No person shall keep more than three dogs in and about any dwelling unit within the City, except that any person who, on the date of the passage of this chapter, was lawfully keeping more than three dogs may keep those dogs until they have died or are otherwise disposed of.

ARTICLE V
Cats

§ 349-18. Registration; tags.

Every owner of a cat shall:

- A. Register the cat with the Municipal Licensing and Standards Division and pay a tag and registration fee in the amount specified in Chapter 441, Fees and Charges,

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except that no fees are payable where a cat has a lifetime identification tag issued by the former City of Etobicoke, North York, Scarborough or York or the former Borough of East York. **[Amended 2005-06-16 by By-law No. 509-2005⁶; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]**

- B. Until ceasing to be the owner of the cat, obtain a new tag for the cat prior to the expiration of the tag issued for the cat which shall expire the following year on the anniversary date of its initial issuance.
- C. Keep the cat tag securely fixed at all times on the cat for which the tag is issued.
- D. Pay a tag replacement fee specified in Chapter 441, Fees and Charges, in the event the tag issued for the cat is lost. **[Amended 2005-06-16 by By-law No. 509-2005⁷; 2006-09-27 by By-law No. 1056-2006]**

§ 349-19. Impoundment.

[Amended 2009-03-31 by By-law No. 349-2009]

The Executive Director may take possession of and impound any cat found at large where:

- A. In the opinion of the Executive Director and the owner of the property, the cat is deemed to be causing damage or creating a nuisance; or
- B. In the opinion of the Executive Director, the cat is in distress, injured and/or unidentifiable.

§ 349-20. Seizure; impoundment; redemption; fees.

[Amended 2005-06-16 by By-law No. 509-2005⁸; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]

- A. Where the Executive Director has taken possession of a cat under § 349-19 and is of the opinion that the cat is injured or ill and should be euthanized without delay for humane reasons or safety to persons, the cat may be euthanized by the Executive Director without permitting any person to reclaim the cat.
- B. Where the Executive Director has taken possession of a cat under § 349-19, it shall be impounded for a minimum period of five days from the time of its impoundment, exclusive of the day on which the cat was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the cat.

⁶ Editor's Note: This by-law comes into force 2005-08-02.

⁷ Editor's Note: This by-law comes into force 2005-08-02.

⁸ Editor's Note: This by-law comes into force 2005-08-02.

- C. If the cat is not redeemed within the time period referred to in Subsection B, the cat shall become the property of the City and may:
 - (1) Be adopted for a fee in the amount specified in Chapter 441, Fees and Charges; or
 - (2) Be euthanized by the Executive Director.
- D. Where the Executive Director has taken possession of a cat or has impounded it under § 349-19:
 - (1) A per diem impoundment fee shall be paid to the Executive Director in advance of redeeming the cat by the owner in the amount specified in Chapter 441, Fees and Charges; and
 - (2) The owner shall ensure the cat is identified with a microchip.
- E. Where the Executive Director has taken possession of a cat and has impounded it under § 349-19 and it is injured or ill and receives veterinary care necessary for the well-being of the cat, the Executive Director shall, in addition to any amount charged pursuant to Subsection D, be entitled to charge the person claiming the cat under this article the cost of the veterinary care to the Executive Director.

ARTICLE VI
Spay/Neuter Clinics

§ 349-21. Previously established clinics continued; supervision; requirements for spaying and neutering.

- A. Clinics established for spaying or neutering dogs and cats in the former Cities of Etobicoke, North York and York are continued and referred to as “City Spay/Neuter Clinics.”
- B. City Spay/Neuter Clinics shall be operated under the control and supervision of the Executive Director. **[Amended 2009-03-31 by By-law No. 349-2009]**
- C. No dog or cat shall be spayed or neutered at a clinic unless:
 - (1) The dog or cat is owned by a resident of the City;
 - (2) The dog or cat is the property of the City; or
 - (3) The dog or cat has been adopted from a City animal centre.

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§ 349-22

§ 349-22. Fee.

[Amended 2005-06-16 by By-law No. 509-2005⁹; 2006-09-27 by By-law No. 1056-2006]

- A. Where a dog or cat is spayed or neutered, a fee shall be paid to the Executive Director in advance of the spaying or neutering being performed in the amount specified in Chapter 441, Fees and Charges. [Amended 2009-03-31 by By-law No. 349-2009]
- B. Despite Subsection A, an additional fee in the amount specified in Chapter 441, Fees and Charges, payable in advance of redeeming the cat or dog may be charged if the spay or neuter surgery was complicated by the physical condition, including pregnancy, of the dog or cat.

ARTICLE VII
Pigeons

§ 349-23. Pigeons to be kept on owner's property.

No person keeping pigeons shall permit the pigeons to stray, perch, roost or rest upon lands, premises or buildings of any person or upon any public place in the City, except on the property of the person keeping the pigeons.

ARTICLE VIII
Fees

§ 349-24. Additional services.

[Amended 2005-06-16 by By-law No. 509-2005¹⁰; 2006-09-27 by By-law No. 1056-2006; 2009-03-31 by By-law No. 349-2009]

Additional fee schedules for services provided by the Executive Director are set out in Chapter 441, Fees and Charges.

ARTICLE IX
Offences

§ 349-25. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.¹¹

⁹ Editor's Note: This by-law comes into force 2005-08-02.

¹⁰ Editor's Note: This by-law comes into force 2005-08-02.

ARTICLE X
Conflicting Provisions

§ 349-26. Conflicting by-laws.

Where this chapter conflicts with any other by-laws respecting animals, this chapter prevails to the extent of the conflict.

ARTICLE XI
Schedules

§ 349-27. Schedules to form part of chapter.

[Amended 2005-06-01 by By-law No. 509-2005]

Schedules A and B attached to this chapter shall form part of this chapter.

¹¹ Editor's Note: This section was passed under the authority of section 320 of the *Municipal Act*, R.S.O. 1990, c. M.45, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

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**SCHEDULE A TO CH. 349
PROHIBITED ANIMALS**

MAMMALS

Artiodactyla (such as cattle, goats, sheep, pigs)
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
Chiroptera (bats such as fruit bats, myotis, flying foxes)
Edentates (such as anteaters, sloths, armadillos)
Felidae (such as tigers, leopards, cougars) except cats
Hyaenidae (such as hyaenas)
Lagomorpha (such as hares, pikas) except rabbits
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)
Perissodactyla (such as horses, donkeys, jackasses, mules)
Proboscidae (elephants)
Procyonidae (such as coatimundi, cacomistles)
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
Ursidae (bears)
Viverridae (such as mongooses, civets, genets)

BIRDS

Anseriformes (such as ducks, geese, swans, screamers)
Galliformes (such as pheasants, grouse, guineafowls, turkeys)
Struthioniformes (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis)

REPTILES

Crocodylia (such as alligators, crocodiles, gavials)
All snakes which reach an adult length larger than 3 metres
All lizards which reach an adult length larger than 2 metres

OTHER

All venomous and poisonous animals

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SCHEDULE B TO CH. 349¹²
CITY-OWNED LANDS

Milliken Park
Thompson Park
Sunnybrook Park
Riverdale Park
High Park
Black Creek Pioneer Village
Exhibition Place
Toronto Island Farm
Woodbine Racetrack

¹² Editor's Note: Former Schedule C, Protective Care Fees; Dog Fees; Schedule D, Cat Fees; Schedule E, Fees for Spay/Neuter Surgery; and Schedule F, Fees for Additional Services, which previously followed this schedule, were repealed 2005-06-01 by By-law No. 509-2005. See now Ch. 441, Fees and Charges.