

## Development Services Report DS2023-56

**To:** Committee of the Whole Council  
**Date:** December 19, 2023  
**Subject:** Backyard Hens – Survey Results and Next Steps  
**Origin:** Development Services, Bylaw Enforcement Branch

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### Recommendations

1. That Development Services, Bylaw Enforcement Branch Report DS2023-56, dated December 19, 2023, entitled “Backyard Hens – Survey Results and Next Steps” be received; and
2. That Council endorse a twenty-four (24) month pilot program regarding the keeping of backyard hens on property less than 1 acre commencing March 1, 2024; and
3. That Council enact the amendments to the Animal Care and Control By-law in the form attached as Appendix 1 to Development Services Report DS2023-56; and
4. That staff report back to Council regarding the outcome of the pilot program.

### Purpose

The purpose of this report is to provide Council with the survey results to determine if amendments are required to Animal Care and Control By-law 2020-085 to permit backyard hens on residential property less than 1 acre.

### Background

On June 6, 2023, Council received a report on backyard hens with recommendations that staff conduct a survey and report back to Council with any potential amendments to the Animal Care and Control By-law 2020-085 based on feedback received.

At the June 20, 2023, meeting Council passed the following resolutions:

BE IT RESOLVED THAT Development Services Report DS2023-23, dated June 6, 2023, entitled “Backyard Hens” be received; and

THAT Council directs staff to initiate the process to amend the Zoning By-law 2018-043 to remove Section 4.26 (Residential Backyard Hens); and

THAT staff report back to Council with any potential amendments to the Animal Care and Control By-law 2020-085 as may be required based on feedback received through the Zoning By-law Amendment public consultation process.

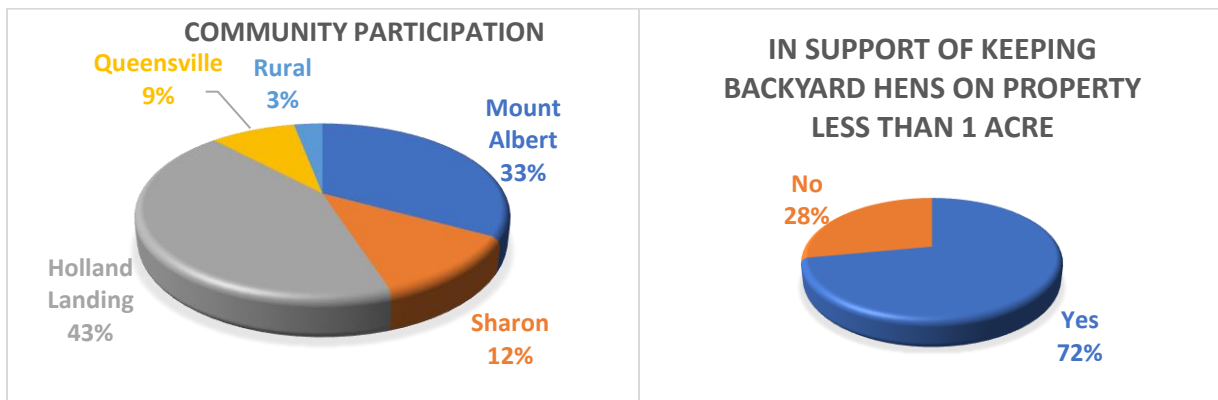
## Analysis

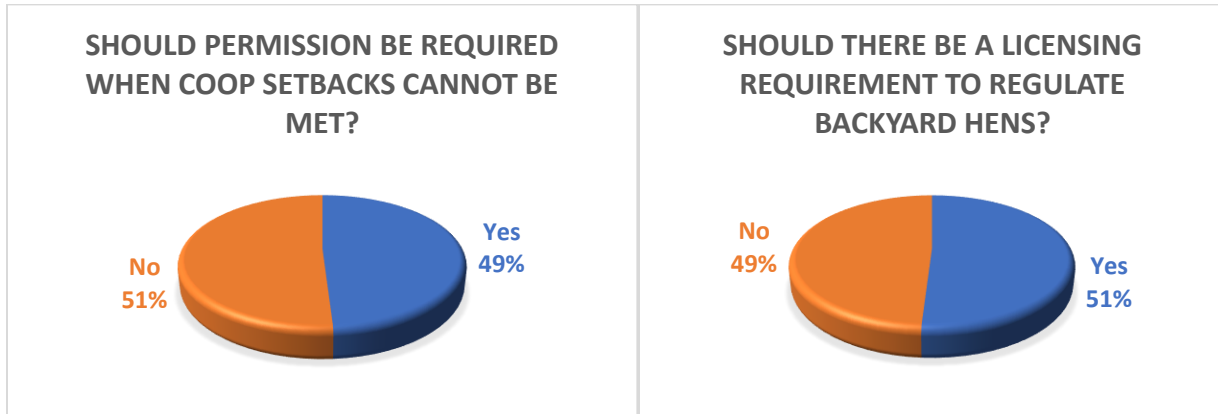
### Community engagement

As directed by Council, a survey was conducted to obtain feedback and comments relating to whether backyard hens should be permitted on residential properties less than one acre in size. The public consultation was conducted from October 18 to November 17, 2023.

A total of 573 participants completed the survey, with 72 percent in favour of keeping backyard hens on residential properties less than one acre in size.

60 percent of participants have indicated that they would be interested in having backyard hens.





To summarize comments within the survey, the top answers are provided below for each question in order of importance:

What do you believe are the benefits of permitting backyard hens in residential properties less than one acre?

- Food security – I want fresh eggs for my household 72%
- I believe keeping hens is an educational activity 54%
- I want to use the droppings for composting reasons 29%
- I want to keep hens as pets 26%
- None 25%
- Other 10%

What concerns, if any, do you have with permitting backyard hens in residential properties less than one acre?

- Predators/pest 44%
- Unsanitary conditions (disease) 42%
- Risk of poor animal care/animal cruelty 42%
- Odour 38%
- Noise 32%
- None 32%
- Other 5%

**Further considerations**

Keeping of backyard hens requires a significant commitment and animal care expertise, which includes providing a nutritionally balanced feed, clean water, protection from predators, and adequate housing to protect them against inclement weather. There is also a risk of infectious disease transmission through direct handling of chickens.

Concerns of disease transmission and animal welfare were raised by some participants of the survey.

Reviewing of best practices with regards to the educational component from across other municipalities who have already permitted keeping of hens, revealed that most municipalities provide applicants with an education resource package which includes educational information received from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), and the Ministry of Health, and other organizations, such as the Canadian Food Inspection Agency.

Should this program be approved, as part of the licensing regime, applicants wishing to keep backyard hens will be required to sign a declaration confirming that the applicant has reviewed and understands the required education package provided by the Town regarding the keeping of hens in a safe and secure manner.

### **Proposed Licensing Structure:**

#### **Licensing Fee**

The licensing structure of municipalities currently permitting backyard hens varies. Many municipalities apply a one-time licensing fee. Some also require an annual fee to assist in the recovery of staff costs associated with the application process, education, and the initial inspection. Staff are recommending a one-time licensing fee of \$100.00. Some form of financial relief could be considered for residents experiencing financial hardship and wish to keep backyard hens.

#### **Education Component**

As part of the application process, all applicants will be required to review the following education materials and sign a declaration acknowledging they have reviewed the material:

1. "[Bird Health Basics Video](#)" and "[Bird Health Basics Fact Sheet](#)" by the Canadian Food Inspection Agency.
2. "[Biosecurity Recommendations for Small Flock Poultry Owners](#)" by OMAFRA.
3. "[Small Flock Poultry: Raising Healthy Birds](#)" by OMAFRA.
4. "[Rodent Control in Livestock and Poultry Facilities](#)" by OMAFRA.
5. "[Keeping your family healthy with backyard poultry, including chickens and ducklings](#)" by the Ministry of Health.

### Proposed Amendments

Based on a review of municipal best practices and public feedback that was received, the following amendments are recommended:

- Removal of the one (1) acre requirement;
- Hens must be kept in a locked hen enclosure from 9 p.m. to 6 a.m.;
- Must be at least 4 months old when acquired;
- Reduction of the number of backyard hens from 6 to 4, except in a rural zone
- Sale of eggs, manure and other products associated with the keeping of hens are prohibited;
- Any leftover feed and manure shall be removed;
- Stored manure shall be kept in an enclosed structure or container such as a compost bin, stored no less than one (1) metre from property line and no more than three (3) cubic feet shall be stored at any one time. All other manure not used for composting or fertilizing shall be removed;
- Reducing setback requirements from no less than three (3) metres from an adjoining property line to (2) two metres and (3) three metres from any dwelling, shop, or apartment building;
- Licensee shall reside on the property where the hens are kept;
- Maximum of one (1) hen coop, and one (1) outdoor run shall be permitted; and
- A hen enclosure shall be a maximum ground floor of 9.0 m<sup>2</sup>, at least 0.37 m<sup>2</sup> of floor area per hen and shall not exceed 3 m in height.

Table 1 provides a municipal comparison of other municipalities that permit residential backyard hens:

**Table 1 - Municipal Comparators that permit Residential Backyard Hens**

Municipality	Number of Hens Permitted	Setback Requirements	Min. Lot Size	Registration/Application	Consent Requirement from Neighbour
<b>East Gwillimbury (Proposed)</b>	<b>4</b>	<b>2m lot line setback 3m from adjacent dwelling</b>	<b>No</b>	<b>\$100 one-time fee for processing application and inspection</b>	<b>No</b>
Kitchener	4	2.5m side yard lot lines	No	Yes - \$52 onetime fee for processing	Yes, if cannot meet

		1.2m rear yard		application and inspection	setback requirement
Newmarket	3	1.2m from lot lines	No	Yes – no fee	Yes
Georgina	4	2m from lot line 3m from adjacent dwelling	No	Yes- \$100 one-time fee for processing application and inspection	No
Brampton	10	8m side and rear lot line	No	Yes- \$50.00	No
Parry Sound	6	3m from lot lines	0.11 acres	\$150.00 initial fee \$50.00 annually	No

Staff have reached out to bordering municipalities who currently have this program in place, and both have indicated that they have had limited number of licences that are issued yearly i.e., one or two a year and that there have been no notable increases in complaints or concerns of increased enforcement since the implementation of the program.

**Backyard Hen Options:**

In preparation of this report, staff considered three options as discussed below:

**Option 1 – Pilot Program**

Under this option, a pilot program would be initiated. This option would require an amendment to Animal Care and Control By-law 2020-085 and a recommended one-time licensing fee of \$100.00 to cover administrative costs and the cost of an initial inspection to run the program. Following the pilot program, staff will evaluate the program and determine if further regulations would be required.

**Option 2 – Permit Backyard Hens on property less than 1 acre (No Pilot Program)**

Under this option, no pilot program would be conducted and the recommended amendments to Animal Care and Control By-law 2020-085 would be approved and enforced.

**Option 3 – Do Nothing**

Under this option, no amendment would be required. Enforcement staff would continue to enforce the current provisions in Animal Care and Control By-law 2020-085, which restricts the keeping of backyard hens to property with a minimum lot area of 1 acre.

## Financial Implications

The proposed one-time licensing fee of \$100 will offset some of the costs associated with processing applications, providing education, and conducting the initial inspection to confirm setback requirements. It is anticipated that any enforcement activities will be funded through the approved 2024 Development Services operating budget. It should be noted that the proposed expansion of this program will necessitate an increase in service levels to monitor compliance. Should there be a significant increase in the number of residents keeping backyard hens, there will be a corresponding impact on resourcing requirements. Staff will therefore monitor the program and report back on any staffing and/or resource impacts of the pilot program.

## Need For Public Consultation

All agendas, reports and minutes related to the proposed amended by-law are made available to the public through the Town's website. No further public consultation would be required.

Residents who expressed an interest on this topic were notified of this agenda item and that the Council's recommendation will be shared with the community.

## Alignment to Strategic Plan

### Environmental Stewardship

The proposed pilot program aligns with efforts to develop and implement policies that support environmental sustainability in accordance with Council's strategic objectives.

## Conclusion

Staff recommend that a pilot program be initiated for twenty-four (24) months, commencing March 1, 2024. Should a pilot program be approved by Council, staff will report back to Council regarding the outcome of the pilot program and any further recommendations.

## Appendices

Appendix 1 – Draft Animal Care and Control Amendment

## Approval

### **Report Author:**

Jennifer Nichols  
Manager By-law Enforcement Services  
Development Services, By-law Enforcement

### **This report was reviewed and recommended by:**

András Szönyi  
Director Building Standards Branch/Chief Building Official  
Development Services, Building Standards Branch

Margot Bégin, Ec.D.(F)  
General Manager of Development Services  
Development Services

### **This report was approved by:**

Mark Valcic  
Chief Administrative Officer



## Appendix 1 – Draft Animal Care and Control Amendment



### The Corporation of the Town of East Gwillimbury

#### By-law 2023-XX

#### Being a By-law to amend the Animal Care and Control By-law

Whereas on the 20<sup>th</sup> days of October, 2020 the Municipal Council of the Corporation of the Town of East Gwillimbury (“**Council**”) enacted By-law 2020-085 the Animal Care and Control By-law; and

Whereas Council deems it appropriate to amend Animal Care and Control By-law 2020-085;

Now therefore the Municipal Council of the Corporation of the Town of East Gwillimbury Enacts as follows:

1. That Section 14 of By-law 2020-085 is revoked and the following substituted:

#### **14.0 Residential Backyard Hens**

##### **Licence**

- 14.1 No Person, within the Town, shall keep Hens on a Residential Property without first being issued a Licence under this By-law.
- 14.2 Every applicant shall submit all required application documents, as outlined in this By-law and pay a \$100 Licensing fee.
- 14.3 All applications for a Licence to keep Hens on a Residential Property shall include:
  - (a) The name, contact email, phone number and address of the applicant where Hens will be kept;
  - (b) The number of Hens to be kept on the Property;
  - (c) A site plan of the property, showing all buildings and structures, including the proposed locations of the Hen coop and Hen run, as well as the dimensions and setbacks; and
  - (d) Any other documentation, deemed necessary by the Manager.

- 14.4 Once the application materials have been reviewed and the application has been approved, it is the responsibility of the licensee to contact the Town to arrange for a site inspection to be conducted by an Officer.
- 14.5 The applicant shall provide a signed declaration stating that the applicant reviewed the required education package provided by the Town regarding the keeping of Hens in a safe and secure manner.
- 14.6 The Town may issue a Licence with or without conditions, refuse a Licence, and/or revoke a Licence.
- 14.7 The Licence may be revoked if:
- (a) The licensee fails to comply with any conditions upon which the Licence was issued or fails to comply with any provision of this By-law;
  - (b) The Licence was issued in error, or as a result of mistake, false or incorrect information; and
  - (c) The licensee fails to install the Hen coop and Hen run on the property by no later than twelve (12) weeks after the Licence is issued.
- 14.8 A change of ownership shall make the Licence null and void.

### **General Provisions**

- 14.9 No Person shall Keep more than four (4) Hens on a lot in any zone, except in a rural zone.
- 14.10 The applicant or licensee must reside on the property where the Hens are kept.
- 14.11 Hen coops shall only be permitted in the rear yard.
- 14.12 Hen coops and Hen runs shall be maintained in a Sanitary Condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- 14.13 Every Hen owner shall ensure that the enclosure is located no less than three (3) metres from any dwelling, shop, or apartment building, and no less than two (2) metres from any adjoining property line.
- 14.14 Hens must be kept in a locked Hen enclosure from 9:00 p.m. to 6:00 a.m.
- 14.15 Hens must be at least 4 months old when acquired.
- 14.16 The sale of eggs, manure and other products associated with the keeping of Hens are prohibited.

- 14.17 Any leftover feed and manure shall be removed.
  - 14.18 Stored manure shall be kept in an enclosed structure or container such as a compost bin, stored no less than one (1) metre from any adjoining property line and no more than three (3) cubic feet shall be stored at any one time. All other manure not used for composting or fertilizing shall be removed.
  - 14.19 Maximum of one (1) Hen coop, and one (1) outdoor run shall be permitted.
  - 14.20 A hen enclosure shall be a maximum ground floor of 9.0 m<sup>2</sup>.
  - 14.21 Hen coops shall be at least 0.37 m<sup>2</sup> of floor area per hen, along with a minimum of 0.93 m<sup>2</sup> per Hen for the Hen run.
  - 14.22 Hen coops and Hen runs shall not exceed 3 m in height.
  - 14.23 No Person shall Keep a rooster in any residential zone.
  - 14.24 Home slaughter of Hens is prohibited in a residential zone.
  - 14.25 Deceased Hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
  - 14.26 Hens shall be confined to an enclosed Hen coop or Hen run at all times. The free roaming of Hens on the property is prohibited.
  - 14.27 Hen coops shall have adequate ventilation and shall be weather and predator proof.
  - 14.28 Hens shall be provided with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.
  - 14.29 Feeders and water containers shall be provided and cleaned regularly and disinfected.
  - 14.30 Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it.
  - 14.31 Notwithstanding, Hen coops and Hen runs shall meet all other requirements for an accessory structure as outlined in the Town's Zoning By-law.
2. That this By-law shall come into force and effect on the date of its passing and enactment.

Enacted and passed this \_\_\_ day of \_\_\_, 2023.

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Brian Johns, Acting Mayor

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Tara Lajevardi, Municipal Clerk