



Extending the UrbanHensTO Backyard Hens Pilot Program for One Additional Year

Date: November 23, 2020

To: Economic and Community Development Committee

From: Executive Director, Municipal Licensing and Standards

Wards: 2, 3, 4, 8, 12, 14, and 19

SUMMARY

This report recommends extending the UrbanHensTO: Backyard Hens pilot program for one additional year, within the same boundaries that City Council adopted in fall 2017. Unless extended, the UrbanHensTO pilot program will currently end on March 2, 2021.

While the Toronto Municipal Code Chapter 349, Animals, prohibits animals in the order Galliformes (which includes hens) in Toronto, hens registered under the UrbanHensTO pilot program are exempted from this prohibition. The UrbanHensTO pilot program began on March 2, 2018 and allows registered households to have up to four hens for the purposes of enjoyment and egg production; roosters are prohibited and hens cannot be raised as livestock to eat. The pilot program applies to four former City of Toronto wards (Wards 5, 13, 21, and 32). Ward changes occurred in 2018 and, as a result, the program currently applies to some parts of Wards 2, 3, 4, 8, 12, 14, and 19.

The impacts of COVID-19 are still being assessed City-wide; during this time, MLS staff recommend limiting the number of non-essential new or enhanced programs. Extending the pilot by one year will allow staff to continue to assess the program, undertake additional research, and focus resources on urgent COVID-19-related matters. Extending the program by one year will also provide clarity to registered households currently participating in the program.

Staff completed a review of the UrbanHensTO pilot program in summer and fall 2020. The review included an analysis of program registration and complaints, staffing and resource impacts, a jurisdictional scan, a survey to registered households, and stakeholder consultations. Since the start of the program, a total of 234 hens in 80 households have been registered, and the number of chicken-related service requests (complaints) about registered properties has been low. Staff heard that common reasons for participating in the program include access to fresh eggs, an interest in urban agriculture, enjoying keeping hens as pets, access to organic food, and teaching others about food production.

Through the review, staff found that there have not been any significant issues with the UrbanHensTO pilot program and that requirements currently align with other North American jurisdictions. This finding supports the proposed recommendation to extend the pilot program for one additional year; however, staff also identified factors that require further consideration prior to making final recommendations about the sustainability of the program. These factors include: determining whether sufficient staff resources exist to support expanding the program; determining the extent to which UrbanHensTO supports food security and food sovereignty in Toronto; further assessing the likelihood of increased nuisance-related concerns, pests (particularly rodents) and predators; monitoring for potential risks of bacteria and disease outbreaks; and a lack of veterinarians in Toronto accredited to care for hens.

In late 2018, the College of Veterinarians of Ontario began requiring veterinarians caring for urban farm animals (including hens) to obtain accreditation as food animal mobile veterinarians. No veterinarians in Toronto have this accreditation, while a small number are accredited within the broader GTA. Staff will continue to monitor this over the next year as access to veterinary care is an important program consideration.

Staff also undertook a preliminary review of the program using an equity lens, including consultation with the City's Confronting Anti-Black Racism Unit and Social Development, Finance and Administration (SDF), broadly, and determined that further analysis is required to understand program inequities and inform next steps on the program.

Staff will continue analyzing the pilot program and will deliver a report with final recommendations on the UrbanHensTO program before March 2022, which will be the new end date of the pilot program, pending City Council's approval.

This report was developed in consultation with Toronto Public Health.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council amend Section 349-4.1A of the City of Toronto Municipal Code Chapter 349, Animals, to extend the UrbanHensTO pilot program until March 31, 2022.
2. City Council direct the Executive Director, Municipal Licensing and Standards, to report to the Economic and Community Development Committee no later than January 31, 2022 on final recommendations related to the UrbanHensTO pilot program.
3. City Council request the Executive Director, Municipal Licensing and Standards, to consult with relevant City divisions, including Social Development, Finance and Administration and Toronto Public Health, as well as the Toronto Food Policy Council, FoodShare Toronto, the public, and community organizations on the UrbanHensTO pilot program and to include a summary of these consultation efforts in the final report to the Economic and Community Development Committee referenced in Recommendation 2.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

EQUITY IMPACT

Program Access

Access to the UrbanHensTO: Backyard Hens pilot program is limited to residents who live within the pilot areas in parts of Wards 2, 3, 4, 8, 12, 14, and 19. In general, these areas are not areas within Toronto with a high proportion of residents who are members of a visible minority group (see [City of Toronto: The Changing Landscape of Toronto's Population](#), pages 26 - 28 for additional information and visuals).

Residents outside of the pilot areas do not have a way to legally raise hens for the purpose of egg production. However, even if the program scope were to be expanded, the program requires the resident to have access to an outdoor private yard large enough for a hen enclosure while meeting zoning and setback requirements. As a result, a significant number of Toronto residents would still not have access to the UrbanHensTO program. For example, according to the City's [Resilience Strategy](#), apartment buildings make up a large part of the City's rental stock, with over 500,000 Torontonians living in apartment towers. Many families, newcomers, seniors, vulnerable individuals, and Black, Indigenous and People of Colour (BIPOC) disproportionately reside in apartment towers. Approximately 40% of families living in apartment towers are low income and would experience barriers to access the UrbanHensTO program.

Food Security and Food Sovereignty

All individuals and families deserve to have access to affordable, sufficient, safe, nutritious, and culturally appropriate food. The City recognizes the challenges and barriers contributing to rising food security and accessibility challenges for vulnerable populations in Toronto. Almost 1 in 5 households in Toronto are food insecure, and the need for food has increased during the COVID-19 pandemic. Staff will continue to evaluate the extent to which the UrbanHensTO program can support food security and food sovereignty in the City through future stakeholder consultations, with a priority to engage communities and groups who experience disproportionate levels of food insecurity.

Cost

The start-up and operating costs associated with hen-keeping may be a barrier, particularly for households that are classified as low-income. In a preliminary City-hosted survey of households registered in the program, the reported cost to participate in the program varied substantially, with total self-reported estimated costs ranging from \$100 to \$5,000. The average total cost, based on responses, was \$1,022.95 per household, with many falling between \$500 and \$800 dollars. When asked to indicate

their household income, 82% of respondents had household incomes higher than \$80,000, with 49% stating that their household income was \$140,000 per year or more.

This report contains additional considerations and the next steps that staff will take in reviewing the UrbanHensTO pilot program to better understand inequities within the program and identify potential policy solutions, including options to increase access for communities facing multiple economic and social barriers, if the program is made permanent.

DECISION HISTORY

On May 28, 2020, City Council adopted, with amendments, Item CC21.1, City of Toronto Service Restart and Recovery Update, which provided an update on the City's COVID-19 emergency response and City recovery and rebuild efforts. Staff were asked to expedite the UrbanHensTO pilot program review using a food security perspective. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC21.1>

On October 2, 2017, City Council adopted, with amendments, Item LS20.1, Prohibited Animals Review, authorizing the Executive Director, MLS, to develop and implement a pilot program permitting backyard hens in (former) Wards 5, 13, 21 and 32 for a period of up to three years. Staff were directed to report back at the end of the pilot. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS20.1>

COMMENTS

As directed by City Council in fall 2017, Municipal Licensing and Standards (MLS) established a three-year pilot program to allow residents within the pilot area to have up to four hens for the purpose of egg production. Staff were asked to develop evaluation metrics for the pilot program and report back at the end of the pilot. In May 2020, City Council directed MLS, in consultation with Toronto Public Health, to expedite the evaluation using a food security perspective as part of COVID-19 recovery plans.

Staff undertook a review of the UrbanHensTO pilot program in summer and fall 2020. The review included an analysis of program registration and complaints, staffing and resource impacts, a jurisdictional scan, a survey to registered households, and stakeholder consultations.

Through the review, staff found that there have not been any significant issues with the UrbanHensTO pilot program and that requirements currently align with other North American jurisdictions. It is therefore recommended that the pilot be extended for one additional year within the same boundaries. However, staff also identified factors that require further consideration prior to making final recommendations, including whether or not the program should be made permanent or expanded beyond the pilot area. These factors include: determining whether sufficient staff resources exist to support expanding the program; determining the extent to which UrbanHensTO supports food security and food sovereignty in Toronto; further assessing the likelihood of increased

nuisance-related concerns, pests (particularly rodents), and predators; monitoring for potential risks of bacteria and disease outbreaks; and a lack of veterinarians in Toronto accredited to care for hens.

The proposed recommendation allows staff to undertake additional research and monitor and assess the impacts of COVID-19. Extending the pilot program will also provide clarity to registered households currently participating in the program.

Program Overview

The UrbanHensTO pilot program is designed to allow households to raise hens on their property for the purpose of egg production. Key program requirements include:

- There can be no more than four hens per residential property.
- Roosters are not permitted.
- Hens must be at least 4 months old when acquired (to ensure that the chick is not a rooster and reduce the likelihood of abandonment once they are no longer chicks).
- Hens are to be kept as pets and for enjoyment and personal egg production; selling or providing any part of a hen, its eggs, or manure is not permitted.
- Hen breeding or fertilizer production for commercial purposes is not allowed.
- Coops may not be in the front yard and must follow zoning/setback requirements.
- Coops must have at least 0.37 square metres of floor area per hen, a perch for each hen of at least 20 centimetres in length, and a nest box suitable for the number of hens kept.
- The coop must be predator-proof, and in an odour-free, neat, and sanitary condition.

Boundaries

The pilot program was established by Toronto City Council in October 2017. The pilot area was determined based on which Councillors moved to opt-in to the program. At the time, that included Wards 5, 13, 21, and 32 under the previous 44-Ward model.

Ward changes occurred in 2018 and, as a result, the program currently applies to some parts of Wards 2, 3, 4, 8, 12, 14, and 19 (Figure 1). The irregular boundaries of the program has caused some confusion for residents seeking to determine if their address is within the pilot area, as well as occasional challenges in administering the program.

As part of extending the pilot program, the needed by-law amendments will also describe the geographic areas where the pilot is in effect to provide clarity for residents and staff. This would replace a reference to former Wards 5, 13, 21, and 31 as they existed prior to December 1, 2018.

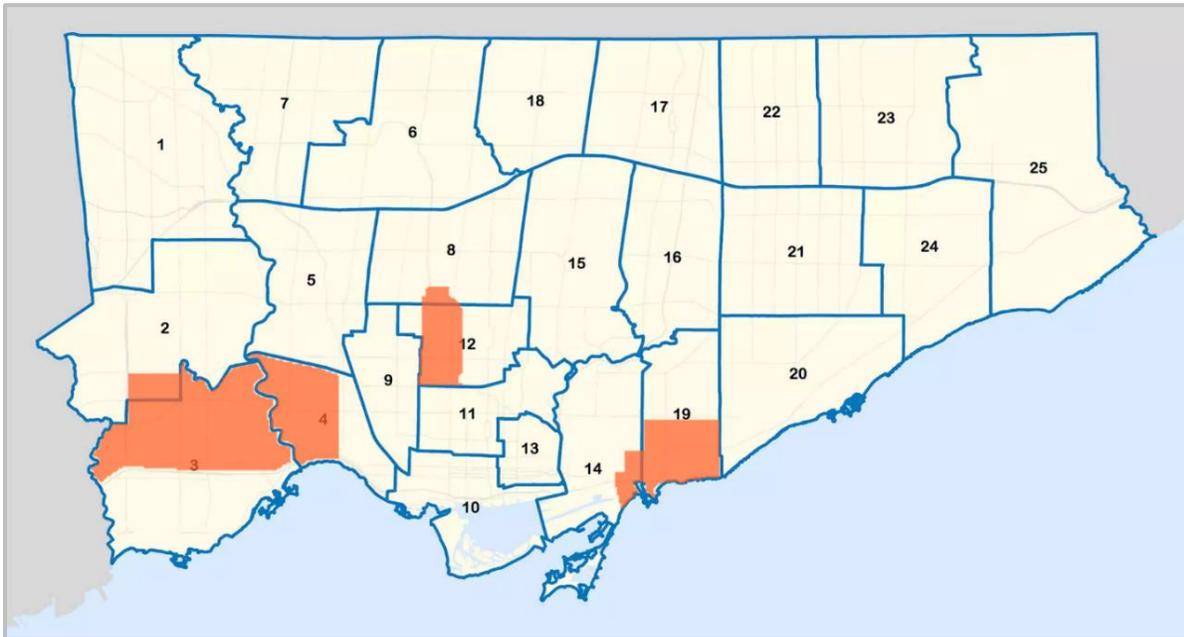


Figure 1: Map of current boundaries of the UrbanHensTO: Backyard Hens pilot program

Administration

The UrbanHensTO pilot program is administered by Toronto Animal Services. Program registration is done by the team that processes pet licences. As the program was established as a pilot, it was not based on a cost-recovery model and no additional staff resources were allocated. Registration is one-time and not renewed annually; as a result, the exact number of active households still participating in the program is unknown. The City does not charge a registration fee and staff do not conduct a site-inspection as a condition of registration. Enforcement investigations are complaint-based.

Program Review and Evaluation

To evaluate the UrbanHensTO pilot program, staff reviewed program registration and complaints data, surveyed program participants, consulted with stakeholders, and reviewed backyard hen-keeping regulations in other jurisdictions. Staff also considered the program through equity and anti-Black racism lenses.

Findings from the evaluation, detailed below, support the proposed recommendation to extend the pilot for one additional year, while also highlighting areas that require further consideration and research prior to making final recommendations for the UrbanHensTO program.

Program Registration

Since the pilot program began in March 2018, 234 hens in 80 households have registered with the program. The number of registrations was highest at the start of the program. Notably, there was a moderate increase in registrations in spring and summer of 2020. This coincides with when the COVID-19 pandemic began.

Complaints Data

Properties registered with the UrbanHensTO pilot program:

The number of service requests (complaints) related to hen-keeping on properties registered with the pilot program has been low, which is consistent with the small scope of the program. Between the start of the program and August 31, 2020, a total of three chicken-related service requests were received for registered properties; two were related to shelter standards and one was related to hen care. During this time, one property standards complaint related to presence of rodents was also received for a registered property.

Properties not affiliated with the UrbanHensTO pilot program:

Toronto Municipal Code Chapter 349, Animals prohibits keeping chickens, except for those registered with the pilot program, as a result, most chicken-related complaints received for properties not involved with the pilot are for chickens as a prohibited animal. That said, the City also receives and tracks nuisance-related service requests for chickens (for example, noise and odour).

The number of nuisance-related service requests resulting from hen-keeping City-wide have been low. Over the past three years, the City received one service request each year related to unsanitary conditions (odour) and one service request was received in 2019 related to noise. It is important to note that there may also be nuisance-related concerns associated with the complaints for chickens as a prohibited animal that are not captured in the data.

Since the pilot program began, a total of 10 property standards complaints have been received related to hen-keeping attracting pests and predators. This includes the one identified above for a property registered with the pilot program, and nine on properties not affiliated with the program, seven of which specifically referenced rodents.

Between January 1, 2020 and August 31, 2020, all of the chicken-related service request received were related to properties not affiliated with the UrbanHensTO pilot program. A total of 92 chicken-related service requests were received during this time, as detailed in Table 1. This includes 68 related to chickens as a prohibited animal, 12 for stray chickens, four for injured chickens, and four related to rodents.

Table 1: Chicken-related service requests related to properties not affiliated with the UrbanHensTO pilot program, received from January 1, 2020 to August 31, 2020.

Service Request Type	Number of Service Requests
Prohibited Animal	68
Stray Chicken	12
Injured Chicken	4
Rodents	4
Cadaver	1

Service Request Type	Number of Service Requests
Extreme Weather	1
Unsanitary Conditions	1
Owner Surrender	1
TOTAL	92

Research and Consultation

Jurisdictional Scan

Staff completed a scan of 24 Canadian and American cities to determine which jurisdictions allow backyard hens and to compare program requirements. The jurisdictions were chosen for their size and comparable climate and urban landscape to Toronto.

The program requirements for UrbanHensTO generally align with regulations in other jurisdictions that allow hens. For example, the majority of cities prohibit roosters, limit the number of hens permitted, do not allow hens to be kept as livestock to eat, have specific requirements for hen enclosures, and have requirements for yard space and property setbacks. Based on this finding, staff do not recommend changes to the UrbanHensTO pilot program requirements at this time.

Many municipalities in Ontario do not allow residents to keep backyard hens, with notable exceptions being Brampton, Guelph, Kingston, and Niagara Falls. Major Cities across Canada are split, with hens allowed in Vancouver, Victoria, and Edmonton, and prohibited in Halifax, Calgary, and Winnipeg. A number of large cities in the United States, including New York City, Chicago, Washington D.C., and Cleveland allow hens, while Detroit and Philadelphia do not.

Of the jurisdictions included in the review, only Montreal allows hen keeping under pilot programs restricted to specific geographic areas of the City, similar to Toronto. Edmonton began allowing hens through a pilot program with a cap of fifty sites, but the site cap has now been removed.

Survey of Registered Households

In fall 2020, the City hosted an online survey for those who have participated in the UrbanHensTO pilot program to evaluate their experience. The online survey did not have the scientific controls that a third-party public opinion survey would. As such, the results should not be considered representative of all program participants, but rather used to provide additional insight on the UrbanHensTO pilot program.

143 people responded to the survey with 89 stating that they participated in the pilot program, suggesting that the survey may have been completed by more than one respondent per household and/or some respondents had not participated in the program. To analyze the quantitative findings, staff considered responses where there was no referring site (for example, Twitter or Facebook) as referring sites were not used

to advertise this survey. When referring sites are removed, 48 individuals stated that they participated in the pilot program, corresponding to a response rate of approximately 60% (48 out of 79). The survey also asked for general feedback about the program and about hen-keeping in Toronto; all feedback received on these topics was reviewed and considered.

Key quantitative findings from the survey include:

- Often-cited reasons for participating in the pilot program include access to fresh eggs, an interest in urban agriculture, enjoying keeping hens as pets, access to organic food, and teaching others about food production.
- Almost a quarter of respondents used a service to rent coops and/or hens.
- Just over a quarter of respondents stated that they no longer have hens. Reasons for this varied and included having moved, not having enough yard space, increased pests, ill/injured hens, and hen-keeping requiring too much effort overall.
- 40% of respondents (n=18) stated that one or more of their hens had become injured or ill. 10 individuals sought veterinarian care. Of these, one respondent could not find a qualified veterinarian and three stated that it was not easy to find a vet.
- Program participants have a household income that exceeds the median in Toronto.
- 95% of respondents agreed that having hens improved their quality of life.

General comments (qualitative findings) from the survey include:

- Those registered with the program generally expressed support for the program, citing access to local food, neighbourhood benefits, and food security.
- Some felt as though the City should not continue with the program, citing animal welfare concerns and the City's ability to monitor hen care, odours, and pests.
- Some recommended expanding the program to include community gardens.
- There was mixed feedback on the impact of neighbour-to-neighbour relationships with some people saying they built new friendships and others stating that pests and nuisance issues damaged their relationship with their neighbours.

Stakeholder Consultations

As part of the review, staff conducted preliminary consultations with internal and external stakeholders to better understand both the current and potential impacts of the program. City-wide public consultations were not held as the context of the review was to evaluate the pilot program and not to expand the program. Staff were also mindful of the challenges of advertising, hosting, and ensuring equitable access to virtual consultations during the pandemic. As described above, staff reviewed complaints data to better understand any community impacts of the program.

Internal stakeholders consulted included:

- **City Planning:** MLS staff heard that, in general, raising a small number of hens on private property to produce eggs for those who live in the household does not pose any zoning-related concerns. However, consideration for zoning may be needed if the number of chickens and egg production becomes more akin to a commercial and agricultural use in nature. For example, the number of hens results in egg production

of such a scale that they can be sold.

- **Confronting Anti-Black Racism Unit:** MLS staff heard that the UrbanHensTO program could support broader Black food sovereignty in Toronto and that the current program design limits the number of households who are able to participate. Staff also heard that it may be possible to partner with community organizations to expand access to the program and that hen-raising for the purpose of egg production may play an important role in providing nutritious, culturally-relevant food in a way that supports food security for some residents. In addition, staff heard that urban hen-keeping can play a role in addressing rising food prices, establishing local food systems, reducing greenhouse gas emissions, and improving sustainability.
- **Parks, Forestry, and Recreation (PFR):** MLS staff spoke with PFR's horticulture and greenhouses team. PFR staff have received queries in the past about expanding community and allotment gardens to include animals (for example, bees and hens), but have recommended against it due to safety and feasibility concerns, including: obtaining community agreement to repurpose limited public space; addressing theft, vandalism, and mischief; liability concerns; concerns over access in the park during winter, as well as the ability to provide water supply and waste removal; developing a plan to respond to animal mistreatment, escape, and abandonment; and the need to address noise, odour, and pest issues that may arise in these community spaces.

Going forward, MLS will continue internal consultations, as well as engage the Toronto Food Policy Council, FoodShare Toronto, members of the public, and community organizations on the UrbanHensTO pilot program, and include a summary of consultation efforts in the final report. MLS notes the absence of Indigenous consultation on the UrbanHensTO pilot program and will engage the City's Indigenous Affairs Office to inform future consultation efforts, as well as the final report.

Resource Considerations and COVID-19 Efforts

Responding to COVID-19 has had City-wide impacts. For MLS, this has resulted in the re-direction and redeployment of many operational staff to respond to and enforce COVID-19 orders as well as support pets and their owners. As the pandemic is expected to continue into 2021, the impact on budget, resourcing, and staffing is expected to persist for some time. As such, staff are not recommending pursuing any new or expanded non-essential programs in 2020 and 2021.

When the UrbanHensTO pilot program was established, Toronto Animal Services (TAS) did not receive additional staff resources to support the program and no user fees were implemented to support a cost-recovery model. Additionally, TAS has experienced a sustained increase in the number of service requests received over the past 8 years. During this time, the number of Animal Control Officers has remained relatively stable. Prioritization efforts have been put in place to ensure that emergency and high-priority service requests are responded to as promptly as possible.

Any future expansion of the UrbanHensTO program will likely require resources to manage the registration process, administer the expanded program, support public education and outreach, and for Animal Control Officers to conduct an increased number of site inspections. Further analysis on resource impacts is required to

determine the best way to responsibly expand the program, if the program is made permanent. This would ensure that the welfare of the hens is maintained and that there are minimal impacts to the neighbouring properties where hens are kept.

Services provided by TAS have been impacted by COVID-19. Staff have been re-allocated within TAS to address urgent demands. To limit in-person interactions, shelter access was changed to be by appointment only and mobile response to emergencies has continued with the requirement that the public is able to maintain physical distancing. The result of this has been an increase in the amount of time that staff spend on the phone with residents providing advice and referral services.

Additional Considerations

Additional considerations will be further reviewed as part of the final report on the UrbanHensTO program, as they may impact final recommendations for the program. This includes the role of the UrbanHensTO program as part of the larger food security and food sovereignty context in Toronto, any increases in nuisance, pests, and predators, the risk of disease arising from urban hen-keeping, and the availability of veterinarian care in Toronto, as detailed below.

- **Food security and food sovereignty:** the City has committed to supporting food security and food sovereignty through a number of programs and initiatives, including supporting the work done by the Toronto Food Policy Council, the Confronting Anti-Black Racism Unit's Black Food Sovereignty Plan, allotment gardens, and other efforts led by various City divisions and community organizations. Staff have heard from stakeholders that the UrbanHensTO program could be a component of these broader efforts and that future reviews of the program should consider the impact that the UrbanHensTO program has on food security and be informed by stakeholder consultation.
- **Nuisance, pests, and predators:** there remains a potential risk of increased nuisance-related complaints, particularly noise and odour, as well as the risk for increased pests and predators resulting from program expansion. Through the survey of registered households, staff heard about instances where an increase in pests, particularly rats, were experienced following the addition of hens to a property.
- **Risk of disease:** Toronto Public Health has advised that with proper hygiene and coop maintenance practices, the risk of bacteria (for example, Salmonella and Campylobacter) and disease outbreaks (for example, Avian flu) due to backyard hen-keeping is limited. Staff are not aware of any instances in Toronto where a disease outbreak has occurred as a result of hen-keeping; however, staff will continue to monitor this and include any findings as part of the final report on the UrbanHensTO pilot program.
- **Veterinary care:** In late 2018, the College of Veterinarians of Ontario began requiring veterinarians caring for urban farm animals (including hens) to obtain accreditation as food animal mobile veterinarians. No veterinarians with a private practice in Toronto are accredited, while a small number are accredited within the broader GTA. The lack of access to accredited veterinarians is a concern from an animal welfare perspective, as program participants may be unable or unwilling to leave Toronto to seek veterinarian care for their hens. Staff will monitor any changes

made by the College of Veterinarians of Ontario and newly-accredited veterinarians in Toronto.

Next Steps

Pending City Council's adoption of the recommendations contained in this report, staff will conduct a final review of the UrbanHensTO pilot program and report back no later than the end of January 2022 with final recommendations. It is anticipated that the final report will include the following components:

- **Resource availability:** staff will review available resources and consider COVID-19 impacts to determine resource needs to align with final program recommendations.
- **Equity:** Staff will continue assessing the program using an equity lens and identify potential policy solutions, if the program is recommended to be made permanent.
- **Food security and food sovereignty** the final report will be informed by research and stakeholder feedback on the extent to which UrbanHensTO supports food security and food sovereignty in Toronto
- **Additional considerations:** further research on the considerations listed in the above section will be undertaken, in consultation with relevant City divisions, where appropriate.

Staff will also make minor communication improvements identified as part of the current review. These include updating the UrbanHensTO webpage to improve education tools and better clarify the current program boundaries to reduce confusion.

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