



# Lawyers for Animal Welfare (LAW)

May 12, 2010

**SENT BY EMAIL to:** [abuonaiuto@ospca.on.ca](mailto:abuonaiuto@ospca.on.ca)

**AND BY REGULAR MAIL to:**

Kate MacDonald  
Chief Executive Officer  
Ontario Society for the Prevention of Cruelty to Animals (OSPCA)  
16586 Woodbine Ave., RR3  
Newmarket, Ontario  
L3Y 4W1

## **Re: York Region Branch – Animals Affected with Ringworm**

Ms MacDonald:

It has come to our attention that the OSPCA, York Region Branch (the “**Branch**”), has begun a process of euthanizing approximately three hundred and fifty (350) animals that have been infected with ringworm.

As you know, the OSPCA is governed by the *Ontario Society for the Prevention of Cruelty Act* (R.S.O. 1990, c. O.36) (the “**Act**”). According to Section 11.2 of the Act, no person, custodian or guardian of an animal is permitted to cause distress to that animal. “Distress” is defined as the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect (Act, s. 1(1)). Based on comments provided by you and other representatives of the Branch, “protocols” broke down, leaving animals sick and in need of care. These animals were not attended to or quarantined in a timely manner, and a preventable outbreak occurred. The foregoing omissions were not only negligent, but constitute a clear violation of the Act, as infected animals were both “sick” and in “need of proper care”, both of which constitute distress.

Furthermore, the Branch has announced its intention to euthanize the ringworm affected animals. According to Section 14(2) of the Act,

An inspector or an agent of the Society may destroy an animal,

(a) with the consent of the owner; or

(b) if a veterinarian has examined the animal and has advised the inspector or agent in writing that, in his or her opinion, it is the most humane course of action.

Representatives of the Branch have claimed that the mass euthanasia is proceeding as a result of veterinary orders. As you know, ringworm is a highly treatable illness. We at Lawyers for Animal Welfare (LAW), and the veterinarians who have signed this letter to acknowledge their agreement with its contents, challenge the finding that euthanasia is the most humane course of action for animals infected with ringworm. In this scenario, the Branch's decision to euthanize is particularly inhumane as: (a) members of the public have offered to adopt and treat infected animals, with no cost or risk to the OSPCA; and (b) a number of professionals have attested that ringworm is treatable, and almost without exception, would not lead to euthanasia.

Euthanizing the ringworm infected animals is not the most humane course of action, and is not permitted by the Act. Be advised that if the OSPCA and the Branch do not **IMMEDIATELY CEASE AND DESIST** from acting contrary to the Act, Lawyers for Animal Welfare (LAW) will consider **ALL AVAILABLE LEGAL ACTION**.

Yours sincerely,

*Evelyne Kostanska*

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