

A reputation for cruelty

'Large-scale, substandard breeding facilities where animals are treated as a commodity.' That's how some define 'puppy mill' and, by their count, Quebec has more than 2,200 of them

BY IRWIN BLOCK JANUARY 3, 2009

Little Elvis shivers as he's being cuddled in a blanket by a CSPCA worker.

"They've been through so much, these guys," observes Alanna Devine, reflecting on the miserable life the tiny Chihuahua had before being rescued.

Presley bounds from the intensive-care unit and immediately pees on the shelter floor.

A Bernese mountain dog, he's gained 30 pounds since being rescued, tries hard to please, but has yet to unlearn the habits picked up at his puppy mill.

"He's clean in the house, but then any surface is fair game," explains an CSPCA worker.

The dogs are among 367 animals seized in three recent puppy mill raids being cared for at CSPCA shelter on Jean Talon Blvd.

They are getting veterinary attention and loving care so they can be sent to foster homes or be adopted.

The raids that led to their rescue helped bolster Quebec's sad image as the puppy mill capital of North America, notes Alanna Devine, who since April has been the acting executive director of the Canadian Society for the Prevention of Cruelty to Animals.

"These places are clandestine, so it's hard to know how many there are," she said, as Layla, her adopted mixed pit bull, snuggled up to a visitor.

"Based on the number of complaints we get and the data we see from other provinces, I don't think it's incorrect to say Quebec is the puppy mill capital of North America.

"We have the most lax enforcement, the most lax legislation, and we deserve the title." She estimates there are 2,200 places that animal-rights activists consider puppy mills, but what they are doing is not necessarily illegal.

The Criminal Code, which in sections 445 and 446 prohibits cruelty to animals, does not

ban practices that animal lovers consider cruel.

It also is difficult to prove cruelty or neglect. One section deals with "willfully" causing or permitting unnecessary pain, suffering or injury to an animal or a bird. The other deals with "wilful" neglect. In both cases, a prosecutor has to make a case based on the mens rea standard for neglect - a person is only guilty if his mind also is guilty.

Devine, a lawyer who graduated from McGill University, notes there is no jurisprudence establishing the legality of keeping a dog in a cage its entire life without receiving any exercise or seeing the outside world.

It is easier to charge someone under Quebec's Animal Health Protection Act (P-42), which does not require proof of wilful neglect. But it is the responsibility of the government's underfunded and understaffed Anima Québec, not SPCAs, to lay charges.

That law stipulates, for example, that an animal's safety and welfare are jeopardized where there is: no access to drinking water; a lack of sufficient quantity and quality of food; or when it is housed in unsuitable or insalubrious conditions.

Devine defines a puppy mill as "a large-scale and sub-standard breeding facility where the sole motivation is profit, where there is in-breeding, where animals are treated as a commodity." "The public does not accept that companion animals that we keep in our homes and treat as members of the family be treated in such a way (that) all they do is reproduce and are kept in cages their entire lives and denied veterinary care." Devine says the profit motive conflicts with standards of humane care accepted as ethical.

"I have 100 dogs in our shelter and 30 employees working full-time and it's still not enough," she reflects.

"I have yet to see a large-scale breeding facility with a large number of dogs where they are treated properly and the operators are able to turn a profit so they can support themselves." The SPCA would be more active in busting puppy mills, but it lacks the resources to provide proper care for seized animals.

In other provinces, SPCAs get government funding, but not here, where the government has set up Anima Québec to enforce provincial animal-protection laws.

The Liberals have promised to establish mandatory registration for all dog kennels, pet stores and breeders in Quebec. They also would create a working group to decided on other measures.

Most puppy mills are located in rural areas where "anybody under the sun can go and breed dogs," Devine notes.

"There should be provincial standards and a fee, which can be used to fund inspection and enforcement." Devine believes SPCAs also should be allowed to enforce the provincial legislation. And the organization believes that representatives of the breeding industry should not be part of Anima Québec's board as they are now, because of possible conflict of interest.

In Ontario, there are 200 inspectors who work for the Ontario SPCA and enforce provincial animal-protection laws.

"We receive zero funding from the government and we are doing the police's job. We have two inspectors and we get hundreds of emails and phone calls a day!"

iblock@thegazette.canwest.com

© Copyright (c) The Montreal Gazette