

# THE PLEA

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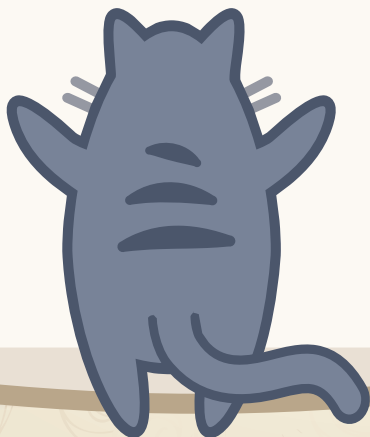
## CATS AND THE LAW



Domestic cats have been part of our lives for at least 4000 years. Cats originated in northern Africa, where ancient Egyptians revered them for their ability to keep rodents at bay. In fact, the Egyptians were so impressed they deified cats through the goddess Bastet and created laws protecting them: harming a cat was an offence punishable by death. They also made it illegal to export cats to another country.

Because cats were good hunters and good companions, traders defied Egypt's cat export ban and smuggled them onto ships. Around 1000BC, cats showed up in Italy and Greece, beginning their nearly 2000-year-long trek across Europe. By the year 900, cats arrived on Great Britain's shores, by the year 1000 trading ships brought them to Asia, by the year 1500 they were in the Americas, and by the year 1600 they made land in Oceania, thus completing the cat's conquest of the world.

While there is much debate over whether we domesticated cats or cats conquered us, their popularity is undeniable. From cat cafés to cat memes, cats and their images are everywhere. Yet, an often-overlooked area is how the law applies to cats. This issue of *The PLEA* will introduce you to cats and the law.



# BE GOOD TO YOUR CAT

Cats are our pets, our friends, and our playmates. However, in the eyes of the law, our cats are our property.

Just because we can own cats, we do not have the right to treat them however we please. Cats are living beings. Laws regulate the minimum standard of care that we must provide for them.

Saskatchewan's *Animal Protection Act* requires cat owners—like all pet owners—to protect their cat from distress by:

- ensuring that the animal is provided with food and water sufficient to maintain the animal in a state of good health
- providing the animal with adequate veterinary care or medical attention
- providing the animal with adequate shelter and reasonable protection from injurious heat or cold; and
- not significantly impairing the animal's health or well-being by confining the animal to an enclosure or area with inadequate space, unsanitary conditions, inadequate ventilation or lighting, or without providing an opportunity for exercise.

Failure to live up to these laws could result in a fine of up to \$25,000 or more, a prison sentence of up to two years, and a lifetime prohibition from owning any animal.

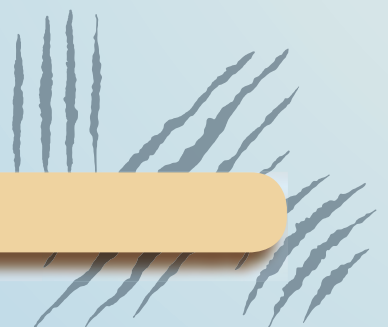
The law does not stop there. Canada's *Criminal Code* also prohibits the mistreatment of animals. Fines of up to \$2,000 and prison sentences up to six

months can be given to anyone who:

- willfully causes, or permits to be caused, unnecessary pain, suffering, or injury to an animal
- abandons or willfully neglects or fails to provide suitable and adequate food, water, shelter or care for an animal.

In addition to federal and provincial laws, local municipalities can pass bylaws related to pets. For example, municipalities can require that your cat be registered, or prohibit cats from roaming at large in the community. Some municipalities also create limits on the number of cats allowed on an individual property.

Even if a law exists, there is no guarantee that a law will be followed. Too often we see stories in the news about animals being mistreated. If you have concerns that a cat or any other animal is being mistreated, contact your local SPCA or Humane Society, or get in touch with Animal Protection Services of Saskatchewan. Fortunately, the overwhelming majority of pet owners and people in general follow the law and treat animals with kindness. In fact, it seems that most cat owners treat their cats as nothing less than a full-fledged member of the family.





It is an offence to under-feed your pet. Consider the opposite. Some animal owners have ran afoul of animal cruelty laws for obscenely overfeeding their animals. Overfeeding jeopardises an animal's health and well-being. For cats, weight problems increase the risk of cancer, skin disorders, orthopedic disease, respiratory disorders, and other health problems.

*At what point would over-feeding your cat reach the point of no longer providing "food and water sufficient to maintain the animal in a state of good health"?*

If your cat is an outdoor cat, pet doors can give them better mobility between indoor and outdoor spaces. Even if the pet door only connects to a front porch, a spot with blankets in the porch can provide your cat with some protection from the elements.

*What other ways can you ensure adequate shelter and protection for your cat?*

Experts suggest that you should play with your cat for at least 10-15 minutes, once a day. Playtime is especially important for house cats. Not only does it keep them happy, but the exercise increases their flexibility, improves their blood circulation, and increases bone strength, amongst other things.

*How can you provide your cat with opportunities for exercise? What impact, if any, do bylaws prohibiting cats from running at large have on a cat's well-being?*

The law requires pet owners to provide their animals with sanitary conditions. This means that their living spaces must be adequately clean. A clean litter box is one part of a plan to provide sanitary conditions for your cat. Providing one litter box for each cat in your home and scooping litter boxes daily helps create sanitary conditions.

*How else can you create sanitary conditions for your cat? What other laws exist to deal with sanitization on our own property?*

# DOMESTIC? STRAY? FERAL? WHAT'S THE DIFFERENCE?

Cats generally fall into one of three categories: domestic, stray, or feral. A domestic cat is one that lives with humans and relies upon them for food. A stray cat is a pet that has either been lost or abandoned by its owner and is generally socialised with humans. A feral cat is a cat that is not socialised with humans. Because cats have such strong wild instincts, a stray cat can become feral if human contact dwindles.

Regardless if the cat is domestic, stray, or feral, we do not have the right to abuse or harm them. However, we have a higher standard of care for our own domesticated cats than we do for stray or feral cats. For example, we would not be required to provide adequate veterinary or medical care for stray or feral cats in the neighbourhood. That responsibility only comes with pet ownership.

## WHO OWNS A STRAY CAT?

Taking in a stray cat does not necessarily make you the rightful owner of that cat. The law views cats as property, not family members. If a stray cat shows up at your door, it could simply be lost, not abandoned. If you take it in and make it part of your family, the original owners may still have claim to the cat.

The stray cat can only become your rightful property if it is abandoned property. For example, if the original owner dropped off the cat on the side of the road on the other side of town, it is likely that a court would consider the cat to be abandoned. (This is to say nothing of the fact that abandoning an animal is a criminal offence.) However, if the cat escaped out the original owner's back door and the owners carried out an intensive search, it is likely that a court would consider the cat to remain the property of the original owners.

There is no simple law that dictates when a person loses ownership of a cat that goes stray. Further complicating making any such determination is that each case is very fact-specific, and few cases about stray cat ownership have been heard by the courts. If a court is asked to decide the rightful ownership of a stray cat, a few of the things the court may consider is the passage of time, the microchipping of the cat, and the efforts made to assert ownership of the cat.



Consider a situation where a stray cat shows up at your door.

**What steps could you take to determine if the cat had a rightful owner? If you could not find the owner and wanted to keep the cat, what steps could you take to help make the cat your property?**

Consider a situation where your cat runs away.

**What steps could you take to help find your cat? If you cannot find your cat but remain hopeful it will eventually be found, what steps could you take to help ensure the cat remains your property as time passes?**



# THE FIRST CAT BURGLAR

Stories often appear in the news about cats who lead double lives as burglars. There was Mo the Cat's two-year reign of terror in Auckland, New Zealand, stealing clothes and underwear off neighbourhood clotheslines. Bella the Cat from Delta, British Columbia was also guilty of the same crime. Meanwhile, Cooper from Canterbury, England had a shoe-stealing habit. And Danny and Bo from Taupō, New Zealand were busted for stealing a neighbourhood child's teddy bear. In all of these cases, the media played off a familiar term to describe these felines: the cat burglar.

Traditionally, the term cat burglar describes a certain type of human burglar: burglars who have a cat's ability to stealthily climb into buildings.

According to the Oxford English Dictionary, "cat burglar" officially entered the English language in 1907. Then, a series of robberies in the London suburb of Streatham were committed by Arthur Edward Young. Young's skills in climbing into upper-floor windows led the local media to dub him "the cat burglar." Young's cat-like skills could not keep him out of the hands of authorities, however. He was finally caught, and in April 1907 Young pleaded guilty to a series of burglaries and possession of £677 in goods and jewelry.

Unlike Arthur Young (or any other human cat burglar), feline cat burglars cannot be punished by criminal law for their thefts. However, if a cat is causing damage to people's property, the cat's owner could be found responsible for those damages in a civil court. This would only be the case if it can be proven that the owner was aware of the cat's troublesome ways, and did nothing to try and prevent the cat from causing trouble.

TRADITIONALLY, THE TERM CAT BURGLAR DESCRIBES A CERTAIN TYPE OF HUMAN BURGLAR: BURGLARS WHO HAVE A CAT'S ABILITY TO STEALTHILY CLIMB INTO BUILDINGS.



Have you had a cat cause mischief in your neighbourhood? Was it bothersome? If so, what is the best way to resolve such an issue: reporting the cat to authorities or discussing the problem with the cat's owner?

# MILLION-DOLLAR ORPHANS

WHILE YOU  
CANNOT DIRECTLY  
LEAVE MONEY  
OR PROPERTY TO  
A CAT, YOU CAN  
EARMARK MONEY  
FOR FUNDING  
THEIR CARE.

Many people worry about what will happen to their cat if the cat outlives them. Such worries have contributed to the trend of including cats in wills. While you cannot directly leave money or property to a cat, you can earmark money for funding their care.

Perhaps the most outrageous example of a cat in a will is Tommaso. Tommaso was a black stray cat, adopted by an Italian property magnate. The magnate left her entire fortune of 10 million euros to her nurse, because the nurse committed to take care of Tommaso. Other unique instances of cats being accounted for in a will include...

- Singer Dusty Springfield left an unspecified amount of money so her ragdoll Nicholas would be cared for. Her instructions included that Nicholas be played Dusty Springfield songs every night.
- Ottawa bachelor David Harper left the United Church his million-dollar estate, provided that the church takes care of his tabby Red.

Barry Seltzer, a lawyer and co-author of *Fat Cats & Lucky Dogs: How to Leave (Some of) Your Estate to Your Pet*, told the *Globe and Mail* that most pet-related requests in wills are straightforward. People leave a lump sum to a person who will take care of the pet.

Seltzer also described a more complex option: a trust fund for the cat. Trust funds help ensure that the cat gets the care requested in the will. With a trust fund, typically three people are given a role. A trustee is assigned to manage the money set aside for the cat. A caretaker is assigned to take care of the pet, and submit the expenses to the trustee. And an enforcer ensures the will is being followed and the money is not being mishandled, acting as a watchdog. Once the cat dies, a will usually sets out what is to happen to the remaining money.



What could happen without  
a plan in case your cat  
outlives you?

# CAT CUSTODY AND RELATIONSHIP BREAKDOWN

When a relationship breaks down, there can be custody battles over the cat or other pets. Even if a cat feels like part of the family, at the end of the day they are property. If a couple cannot determine on their own who will retain ownership, a court may be asked to decide. According to certified veterinarian journalist Steven May, judges may look at the following records to help determine ownership:

- Registration and license: These documents have the name of the person who registered the cat with the local authorities.
- Veterinary records: Courts may consider veterinary medical records. Records generally include the name of the owner, and who took primary interest in the cat's well-being.
- Microchip records: Microchip records will include an owner.

Documents such as these do not necessarily determine who will get the cat. For example, both parties could be listed as the owner.

Some jurisdictions, such as Alaska, have gone beyond merely considering ownership and veterinary records when determining who keeps a pet in a separation or divorce. Alaskan divorce laws require that judges take into account an animal's well-being when determining who gets custody of a pet. So, for example, a case could be made that an outside cat's well-being is better served by the partner who lives in a house than the partner who lives in a high-rise apartment.

Nevertheless, at least in Canada, pet custody cases are strongly discouraged by the courts. In a recent case involving a Saskatoon couple's dogs, the judge called the case a waste of scarce judicial resources. He ruled that it would be absurd for him to make a decision on visitation rights, and insisted that the couple decide on their own how to split ownership of the dogs. The judge warned that:

if the court cannot reach a decision on where the dogs go, it is open to the court under the legislation to order them sold and the proceeds split — something I am sure neither party wants.

The judge's message was clear: decisions on who gets to keep pets are better made by separating couples acting in a cooperative manner than by courts.



Should jurisdictions follow Alaska's example and have courts consider the well-being of pets in the case of a relationship breakdown?  
Or is the Saskatoon judge on the right track when he insists that couples resolve the issue on their own?



# CAT COURT

Grumpy Cat, famous on the internet for its permanent scowl, was the centre of a \$750,000 court case. The company set up by the cat's owners, Grumpy Cat Limited, licensed the Grumpy Cat trademark to a coffee company for its Grumppuccino iced drink. However, the coffee company soon added Grumpy Cat's trademark scowling image to roasted coffee packaging and t-shirts. Grumpy Cat Limited claimed the coffee company had

no right to do this. They took the coffee company to court, and were awarded \$750,000. During the trial, Grumpy Cat was reported to have briefly been present.



## CAT CAFÉS

Cat cafés are a growing trend. The concept is simple: a café where you can hang out with cats! The cats in most cat cafés are up for adoption from local animal charities.

To comply with Saskatchewan's health regulations, cats must be kept away from food preparation and food service areas. In cat cafés, there is a separate area where the cats live. As well, formal hygiene procedures are put in place for the housing and handling of the cats.

When you visit a cat café, you can bring your coffee and food into the designated cat area, so long as you do not feed the cats. Nevertheless, every cat has its own tastes and own personality: some cats can't be faulted for trying to have a nibble!



# MOVING YOUR CAT ABROAD

It is common for people to bring their pet along when they move to a new country. In response to an increasingly mobile world, regulations on taking animals abroad have been updated. It used to be that pets would often spend months in quarantine upon arrival in a new country. Today, so long as the pet is healthy, has been given particular vaccinations, and the proper paperwork is completed, the pet can immediately join its family in a new country.

For example, if you are moving to the United Kingdom, chances are your cat can move with you. The UK requires that the cat be microchipped, vaccinated for rabies, and have a certificate of health from a veterinarian. The cat must arrive in the UK no more than five days before or after your arrival, and must arrive on an approved airline via an approved route.

The rules for bringing your cat to most European Union countries are very similar to the rules for the United Kingdom.

In most cases of moving your cat overseas, the veterinarian examination documents must be certified by the Canadian Food Inspection Agency (CFIA). The CFIA is the government agency responsible for the movement of animals across Canada's borders. Certification can take a few weeks, so be sure to build that into your moving schedule. Find the CFIA's official veterinarian examination form on their website.

Moving a cat to the United States, with the exception of Hawaii, is relatively simple. Cats are inspected by border agents to ensure that they are in good health. Some states also require proof of rabies vaccinations. For these reasons, it is a good idea to have documentation of your cat's vaccinations and a certificate of health from your veterinarian, to present to the border agent.

Of course, be sure to talk to your veterinarian before any big move. Also, if you are flying, check with the airline to ensure that they are able to carry your pet, and that your pet carrier meets their requirements.

If this all seems overwhelming, consider hiring some expert help. Several agencies in Canada specialise in moving pets to new countries. They can help with the paperwork, find the right airline, and help ensure the journey is as good as possible for your cat.



*Many countries have stopped quarantining pets upon arrival in a new country, if they have a veterinary examination, vaccinations, and proper documentation. How does this change strike a balance between keeping out diseases and respecting an animal's well-being?*

## PET FOOD?

"TREATING  
ANIMALS AS MERE  
PROPERTY HAS  
FALLEN OUT OF STEP  
WITH THE PREVAILING  
MORAL CONSCIENCE."



Some people have advocated for animals to be considered “sentient” under the law. Jurisdictions such as New Zealand and Quebec have done this. A sentient being thinks and has emotions.

**What consequences would come from making animals more than just property under the law?**

The idea of eating our pets seems absurd. However, animal cruelty laws do not specifically prohibit us from doing just that.

The issue of people eating their pets entered public discussion in early 2018, when a BC family adopted a Vietnamese pot-bellied pet pig named Molly. Weeks later, the family slaughtered and ate her. Many members of the public were outraged, and the SPCA banned the couple from adopting any more animals.

However, under the law the family did nothing wrong. Camille Labchuk, a lawyer and executive director of Animal Justice, pointed out in the *Globe and Mail*, that as long as an animal—including a household pet—is humanely slaughtered, authorities can do nothing about eating a pet.

Labchuk believes that Molly’s story proves that animal cruelty laws need to change. According to Labchuk, “treating animals as mere property has fallen out of step with the prevailing moral conscience.”

Many people agree with Labchuk, arguing that it is time to update our animal cruelty laws. In fact, a 2017 report by the Animal Legal Defense Fund (ALDF), found that of all Canadian provinces and territories, Saskatchewan ranked 11 out of 13 for laws that protect animals. Sophie Gallard, the Canadian spokesperson for ALDF, told the *Regina Leader-Post* that “Saskatchewan’s law is the bare basics, so it’s probably time to revamp it.”

However, Kaley Pugh, executive director of Animal Protection Services Saskatchewan, countered that the ALDF’s ranking system is somewhat arbitrary. She told the *Leader-Post* that it “doesn’t necessarily take into account how the legislation is applied.... I don’t think it takes into account that we do a good job with investigations within the laws that we have to work with.”

Bill Thorn of the Regina Humane Society agreed that a review of the laws in Saskatchewan would be a good idea. However, he told the *Leader-Post* that protecting animals is more than just about passing laws. Thorn said that “it’s an educational process, it’s not just a legal thing.”

# DECLAW LAW

Declawing cats is widely viewed as unethical if not outright cruelty. The claw is not the only thing removed: bones must also be taken out of the cat's feet. The procedure is akin to amputating human fingers up to the first knuckle. Studies have shown declawing causes cats physical pain, renders them helpless against other animals, and brings on negative behavioural changes.

While the practice is legal in Canada, many veterinarians refuse to perform the procedure on ethical grounds. To date, the strongest rebuke of declawing has come from the Nova Scotia Veterinary Medical Association. They recently changed their code of ethics so that veterinarians in the province can no longer perform non-necessary declawing.

Some countries have recognised in law that the health and well-being of a cat is more important than keeping pristine window drapes. The United Kingdom, most countries of the European Union, Australia, New Zealand, Japan, and several American cities have outlawed the practice of declawing.

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*Is declawing a cat in non-essential cases unethical and/or cruel? Should the practice be banned by law?*





## CATS AND THE LAW: A REPORT FOR INTERNATIONAL CAT CARE

The University of Lincoln Law School and Middlesex University London's School of Law have extensively documented the legal status of cats within the United Kingdom's legal system. Check out their report at <http://eprints.lincoln.ac.uk/12674/>

## THE LINK: ANIMAL ABUSE AND INTERPERSONAL VIOLENCE

The Saskatchewan SPCA provides information on the interrelationship between animal abuse and interpersonal violence, a concept known as "The Link." Learn more about how to keep you and your pets safe at [www.sspca.ca](http://www.sspca.ca) and [www.violencelink.ca](http://www.violencelink.ca)



## LOCAL ANIMAL CHARITIES

Saskatchewan has many community organisations and charities that work towards animal welfare. Check if your community has a Society for the Prevention of Cruelty to Animals (SPCA), a Humane Society, and/or a cat rescue organisation. And consider volunteering time or donating to them!

### Teachers

The new [teachers.plea.org](http://teachers.plea.org) is here! Find countless learning resources created specifically for Saskatchewan curricula, available at no charge.

Check it out on your desktop or mobile: [teachers.plea.org](http://teachers.plea.org)

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Legal Information for Everyone

Public Legal Education Association of Saskatchewan

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