

OFAH FILE: 353B
October 11, 2012

Ms. Debi Wilcox
Clerk, Town of Whitby
575 Rossland Road East
Whitby, Ontario
L1N 2M8

Dear Ms. Wilcox:

On behalf of the Ontario Federation of Anglers and Hunters (OFAH), the largest nonprofit conservation-based organization in Ontario, our 100,000 members, subscribers and supporters, and 675 member clubs across Ontario, thank you for taking the time to speak with me yesterday regarding the recently amended discharge of firearms bylaw (By-Law No. 6646-12).

For several years, the OFAH has worked cooperatively with municipalities across Ontario on discharge bylaws. This has included over four dozen appearances at various councils as expert witnesses, and participation on several committees struck by councils to review and make recommendations around the discharge of firearms. Pursuant to our discussion, I am pleased to provide you with some additional comments regarding the bylaw and suggestions for change. If this issue is returned to the Operations Committee for further discussion, we would be pleased to appear and answer any questions the members of the committee might have.

OFAH members, and indeed, the vast majority of legal, licensed, trained hunters in Ontario, are dedicated to safe hunting practices and the full enforcement of laws designed to ensure public safety and the sustainable use and conservation of wildlife.

In the 1960's, the OFAH partnered with the Ontario Ministry of Natural Resources (MNR) on the introduction of a mandatory Hunter Safety Education Program, which the OFAH delivers on behalf of the province. Since the inception of the Hunter Safety Education Program, which currently trains over 17,000 new hunters each year, the rate of accidents have been reduced to virtually zero. Equally, since the introduction of the separate mandatory wild turkey course in 1987, almost 220,000 hunters have taken this course, with only one incident being recorded. Based upon all of the statistics available, any suggestion that the regulation of the use of firearms and/or bows is necessary to reduce the risk of interactions between persons discharging firearms and members of the nonhunting community during the use of trails and green spaces is highly inaccurate and unsubstantiated.

According to Statistics Canada, hunting is measurably safer than bicycling, boating, swimming, horseback riding and most recreational field sports, including baseball and golf. In fact, both the Canada Safety Council and the National Safety Council have in the past been on record as stating that hunting in Canada is responsible for 0.001 per cent of accidents, which pales in comparison to the injuries sustained as a result of insect bites and lightning strikes.

Trained, licensed hunters pose no threat to the nonhunting public. Hence, the introduction of overly restrictive discharge bylaws, which are based upon hearsay, poor information or perceived "threats" to public safety are largely unwarranted.

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Section 119 of the Municipal Act allows municipalities to introduce discharge bylaws “in the interest of public safety.” However, the imposition or expansion of bylaws that are contrary to the regulations established by the MNR for the safe discharge of firearms or bows, when not based upon fact or not demonstrated to be necessary to protect the public safety based upon the legitimacy and frequency of complaints, number of charges laid and convictions achieved, intrudes upon the province’s ability to manage and control wildlife populations. Accordingly, these may be subject to challenge.

We would respectfully remind the members of council that there are already a myriad of federal and provincial laws on the books that are enforced with respect to the safe use of firearms and bows by hunters and recreational users. These include the Criminal Code of Canada, Sec. 86(1) that lays out the foundation of an offence committed by anyone who acts in a careless manner, or without reasonable precautions for the safety of other persons. The Ontario Fish and Wildlife Conservation Act (FWCA), Sec. 16(1) contains provisions regarding hunting and creates an offence for anyone hunting carelessly. The penalties for contravention of either of these Acts include fines and jail time. The same is true with respect to the Trespass to Property Act, and the FWCA provides for fines and/or jail time for contravention of the trespass sections of the Act above and beyond what is provided for in the Trespass to Property Act.

The mandatory provincial hunter education course and mandatory federal firearms safety course ensures that Ontario’s hunters have taken two separate courses related directly to the safe use, storage and transportation of firearms. Trained and licenced hunters are knowledgeable about the range of their firearms, crossbows and compound bows, and are trained to discharge same only when they know it is safe to do so.

Restrictions through discharge bylaws that capture areas that may be hunted, or areas where firearms and bows may be legally discharged for the purpose of hunting under the Hunting Regulations, can drastically impact on hunting on rural lands within municipal boundaries and create a situation where wildlife populations are not properly managed. This is particularly important given the huge increase over the last decade in the number of wildlife/car collisions in many urban areas, and increases in predatory wildlife, most notably coyotes, which have recently threatened even domestic pets. According to the Ontario Soil and Crop Improvement Association, predation of wildlife on livestock and crops is a \$50 million-a-year problem, and many municipalities have seen their payments for livestock losses escalate as a result of overabundant predators.

Overly restrictive discharge bylaws may also inadvertently result in the creation of a public safety hazard, as wildlife populations increase as do the number of wildlife/car collisions resulting in more injuries and damage. Wildlife/car collisions, most notably deer/car collisions, have increased by over 86 per cent over the last decade. At present, there is a deer/car collision every 38 minutes somewhere in the province, and one in every 18 motor vehicle collisions involves some form of wildlife. The number of wildlife/car collisions has surpassed 15,000 per annum, with the OPP estimating that the number of accidents is likely double of what is reported. Wildlife experts have also concluded that the elimination of hunting through overly restrictive laws or bylaws could result in collisions with wildlife increasing by more than 200 per cent.

The OFAH works closely with groups such as the Ontario Federation of Agriculture, with respect to hunting on private lands and predation issues. We also work closely with the Chief Firearms Officer of Ontario (CFO) and the Ontario Conservation Officers Association (OCA) to ensure that the use of firearms in Ontario continues to occur in a safe and responsible manner. The OFAH has also created a pamphlet entitled “Responsible Hunting,” which several years ago was provided to every municipality in southern Ontario, and is included in the student kit for every new hunter education student.

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No one, particularly trained and licenced hunters, would suggest that hunting in the immediate vicinity of residential subdivisions is appropriate. While we strongly argue against the creation and imposition of arbitrary minimum acreage sizes, we can agree that in some cases, the creation of a reasonable buffer zone around residential communities, hospitals, seniors' residences and schools may be a consideration. Under no circumstances should this exceed 300 metres, which provides for reasonable protection against any eventuality. No buffer zone should result in the elimination of the ability to hunt on adjacent properties which may be of considerable size. Given that the areas in question here allow for the use of shotguns and bows only, with the exception of coyotes, a minimal buffer zone would easily provide for public safety without inhibiting or eliminating hunting and the ability of local landowners to control wildlife populations on their property through the use of hunting. That being said, the imposition of a buffer zone should not be the first line of thinking, but is only one option that may be considered when seeking to provide for both public safety and the continuation of a long-standing tradition.

Hunting in Ontario is a heritage activity, and is recognized as such by the Heritage Hunting and Fishing Act, 2002, which was supported by all provincial parties. Federal legislation along these same lines is currently under consideration.

The OFAH, our 100,000 members, subscribers and supporters, and indeed all legal, trained and licenced hunters across Ontario are committed to continuing a tradition that in many cases spans generations, while doing so in a safe and responsible manner that recognizes all users of the land. We look forward to working with the Town of Whitby to amend the recently passed discharge bylaw so that it respects the traditions of hunting in the area, while at the same time, providing for the public safety in areas where appropriate.

Thank you for your time and consideration in this matter.

Yours in Conservation,

Greg Farrant
Manager, Government Affairs & Policy

GF/jb

cc: Glenn Reeves
OFAH Board of Directors
Angelo Lombardo, OFAH Executive Director
Brian McRae, OFAH Zone/Member & Club Services Liaison