

LICENCE

Chapter 531 DOG - KENNELS - BREEDING BOARDING - DOGGIE DAYCARE

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SCHEDULE

Schedule 'A' - Business Licence Procedure

WHEREAS Council of The Corporation of the City of Kitchener is empowered under section 150 of the Municipal Act, 2001, S.O. 2001, c. 25 to license, regulate and govern businesses for certain purposes;

AND WHEREAS section 11 of the Municipal Act, 2001 allows the City to pass by-laws respecting animals;

AND WHEREAS section 8 of the Municipal Act, 2001 gives the City the capacity, rights powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Council has determined that licensing breeding kennels, boarding kennel, and doggie daycares protects consumers as there is a record of licence holders and the ability to require the honest and sanitary operation of such businesses and hold the operators or owners accountable where the operation is not conducted in accordance with the law or with honesty and integrity;

AND WHEREAS Council considers that the unregulated operation of breeding kennels, boarding kennels or doggies daycares could allow for unhealthy and unsafe conditions that could impact the health and safety of the animals on the premises as well as occupants of the premises and neighbouring properties.

Article 1
INTERPRETATION

531.1.1 Boarding kennel - defined

“boarding kennel” means a place or facility other than a doggie daycare where more than three dogs are kept or boarded and shall include a facility where more than three dogs are kept overnight for training purposes and shall also include a breeding kennel where dogs not legally belonging to the operator are kept for purposes other than breeding.

531.1.2 Breeding kennel - defined

“breeding kennel” means a place or facility where dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), R.S. 1985, c. 8 (4th Supp.) are bred or raised.

531.1.3 Class I Doggie Daycare - defined

“Class I Doggie Daycare” means a place or facility where more than three dogs but no more than nine dogs at once are kept or boarded but no dogs other than up to three dogs that are owned by and licensed to a resident of the property are kept or boarded between the hours of 12:00 a.m. and 5:00 a.m.

531.1.4 Class II Doggie Daycare - defined

“Class II Doggie Daycare” means a place or facility where more than nine dogs are kept or boarded at once but no dogs other than up to three dogs that are owned by and licensed to a resident of the property are kept or boarded between the hours of 12:00 a.m. and 5:00 a.m.

531.1.5 Dog - defined

“dog” means any dog, male or female, over the age of twelve weeks.

531.1.6 Dog owner - defined

“dog owner” includes a person who keeps or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.

531.1.7 Doggie daycare - defined

“doggie daycare” means both Class I Doggie Daycare and Class II Doggie Daycare.

531.1.8 Poundkeeper - defined

“Poundkeeper” for the purposes of this Chapter the Kitchener-Waterloo and North Waterloo Humane Society, including its officers and employees, shall be deemed to be the Poundkeeper of the City.

531.1.9 Pound - defined

“pound” the animal shelter operated by the Kitchener-Waterloo and North Waterloo Humane Society shall be deemed to be the City pound.

531.1.10 Puppy - defined

“puppy” means any dog, male or female, twelve weeks of age or younger.

**Article 2
GENERAL PROVISIONS****531.2.1 General provisions - Chapter 500**

The provisions of Chapter 500 of the City of Kitchener Municipal Code shall apply to this Chapter. In the event of any conflict, the provisions of this Chapter shall apply.

531.2.2 Fees - Chapter 501

The fees for a licence under this Chapter shall be as set out in Chapter 501 of the City of Kitchener Municipal Code.

531.2.3 Schedule ‘A’ - Business Licence Procedure

The provisions of Schedule ‘A’ hereto shall form a portion of this Chapter.

531.2.4 Applicable - all locations - within - outside - City

The provisions of this Chapter apply to any trade, occupation, calling or business described herein that is carried on either wholly or partly within the City even if the business is being carried on from a location outside the City.

531.2.5 Exemptions - hospital - shelter - research - other

The provisions of this Chapter shall not apply to:

- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) an animal shelter operated by the Kitchener-Waterloo and North Waterloo Humane Society;
- (c) premises registered as a research facility in accordance with the *Animals for Research Act*; or
- (d) a pet shop licensed by the City provided that the pet shop does not offer for sale or sell any dog or puppy other than through an adoption program under which no dog or puppy is kept at the pet shop between the hours of 12:00 am and 5:00 am.

531.2.6 Site plan - included with application

In addition to meeting the requirements of Chapter 500 of the City of Kitchener Municipal Code, the applicant shall upon application for a licence under this Chapter, provide a site plan to the Manager of Licensing.

531.2.7 Records - kept - open to inspection

In addition to the inspections required or permitted pursuant to Chapter 500 of the City of Kitchener Municipal Code, every owner or operator of a breeding kennel, boarding kennel or doggie daycare shall allow any records required to be kept by this Chapter to be inspected by any Municipal Law Enforcement Officer, any officer of the Ontario Society for the Prevention of Cruelty to Animals, or the Licence Inspector.

531.2.8 Additional documentation - requirement

In addition to the investigations required by Chapter 500, the Manager of Licensing may require the applicant to have investigations conducted by or to obtain documentation from and provide to the Manager of Licensing or have documentation provided by the Ontario Society for Prevention of Cruelty to Animals or any of its designates including any Cruelty Inspector.

531.2.9 Licence - location specific

Every licence issued pursuant to this Chapter applies only with respect to the specified location.

531.2.10 Operation - without licence - prohibited

No person shall own or operate a breeding kennel, boarding kennel, or doggie daycare without having made application and having received the appropriate licence issued in the name of Council by the Manager of Licensing or his/her delegate.

531.2.11 Information session - by operator - for neighbours

Every owner or operator of a breeding kennel, boarding kennel or doggie daycare shall, at least thirty days prior to commencing operation thereof, conduct an information session for neighbouring property owners. The City shall, at least fifteen days prior to the date of the information session, notify all property owners within at least 400 metres (1312 feet) of the proposed operation, advertising the date and location of the information session and providing a brief description of the future operation.

531.2.12 Boarding kennel - with doggie daycare - conditions

Every person who has a boarding kennel licence shall be permitted to operate a doggie daycare without obtaining a doggie daycare licence from the City but shall comply with all the other requirements herein respecting the particular class of doggie daycare.

531.2.13 Operation - licence suspended - revoked - prohibited

No person shall operate or permit to be operated a breeding kennel, boarding kennel or doggie daycare while a licence issued under this Chapter is suspended or revoked by Council.

531.2.14 Conditions of licence - compliance

No person shall violate any condition that Council places on a licence issued under this Chapter.

Article 3**CLASS I DOGGIE DAYCARE****531.3.1 Facility - maintained - clean - sanitary**

Every person who owns or operates a Class I Doggie Daycare, shall maintain the facility in a clean and sanitary condition.

531.3.2 Puppies - separated from other dogs - requirements

Every person who owns or operates a Class I Doggie Daycare shall ensure that dogs and puppies less than four months of age are separated from dogs older than four months that do not belong to the same person.

531.3.3 Adult supervision - minimum requirements

Every person who owns or operates a Class I Doggie Daycare shall ensure that at least two adult staff persons are present at all times when four or more dogs are interacting without physical barriers or restraints.

Article 4**CLASS II DOGGIE DAYCARE****531.4.1 Puppies - separated - from other dogs - requirements**

Every person who owns or operates a Class II Doggie Daycare shall ensure that dogs and puppies less than four months of age are separated from dogs older than four months that are not owned by the same person.

531.4.2 Adult supervision - minimum requirements

Every person who owns or operates a Class II Doggie Daycare, shall ensure that at least two staff persons are present at all times when four or more dogs are interacting without physical barriers or restraints. By-law 2004-261, 6 December, 2004.

531.4.3 Operation - location restriction - exception

After February 13, 2006, no person shall own or operate a Class II Doggie Daycare within 200 metres of any residential zone unless such business has been operated continuously and licensed annually at the location since February, 13, 2006. By-law 2006-45, 13 February, 2006.

Article 5
BREEDING KENNELS, BOARDING KENNELS
CLASS II DOGGIE DAYCARE

531.5.1 Owner - operator - regulations - set out

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall comply with the regulations set out in Sections 531.5.2 through 531.5.15 inclusive.

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531.5.2 Floors - cleaned daily - or as necessary

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure the facility or operation's floor shall be thoroughly cleaned at least once every day or more often as may be necessary to keep the floor clean.

531.5.3 Facility - surrounding area - maintained - sanitary

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure the facility or operation and associated surrounding areas shall be maintained in a sanitary, adequately ventilated and clean condition free from vermin and offensive odours.

531.5.4 Food - water bowls - stainless steel - cleaned daily

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure all food and water bowls in use shall be made of stainless steel and shall be cleaned and disinfected each day.

531.5.5 Water bowls - non-spill - easily disinfected

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure water bowls or devices shall be of a non-spill, functional design and shall be designed to be easily disinfected.

531.5.6 Quarters - clean - sanitary - well-bedded - ventilated

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure dogs and puppies shall be kept in sanitary, well bedded, well ventilated and clean quarters at all times.

531.5.7 Quarters - lighting - artificial - natural

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure dog and puppy quarters shall be adequately lighted and have both natural and artificial light sources.

531.5.8 Feeding - watering adequate - disease - vermin free

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure dogs and puppies shall be fed and watered or adequately nourished each day and kept in a clean and healthy condition free from vermin and disease.

531.5.9 Exercise area - requirement

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure an exercise area shall be provided so as to enable each dog and puppy to exercise freely and easily so as to maintain physical health and well being.

531.5.10 Heating - maintained healthful

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure the facilities shall be maintained at a healthful temperature at all times for the health, welfare and comfort of every dog and puppy therein and adequate supplemental heat shall be provided as necessary.

531.5.11 Indoor runs - not heated floor - bedding requirement

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure where indoor runs do not have heated floors, a bedding box with proper and clean bedding shall be provided.

531.5.12 Bedding material - clean - sanitary

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure all bedding material provided shall be clean and sanitary and changed regularly.

531.5.13 Cage - pen - requirements - adequate room

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure each cage or pen used for the housing or holding of a dog or puppy shall be so constructed and maintained so that:

- (a) every dog and every puppy in the cage or pen may comfortably extend its legs to its full extent, stand, sit, turn around and lie down in a fully extended position;
- (b) it is not likely to harm any dog or puppy therein;
- (c) any dog or puppy therein cannot readily escape therefrom; and
- (d) it may be easily cleaned.

531.5.14 Yards - runways - cleaned daily

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure the yards and runways associated with the facility or operation shall be cleaned at least once daily when in use.

531.5.15 Waste removal - prevention of odours

Every person who owns or operates a breeding kennel, boarding kennel or Class II Doggie Daycare shall ensure the excreta, dead animals and other waste resulting from the keeping of any dogs and puppies shall be removed from the premises as necessary and in accordance with any applicable by-laws, laws or regulations and also in accordance with any guidelines of the Regional Municipality of Waterloo and in a manner that avoids any offensive odours from emanating to surrounding properties.

531.5.16 Floors - walls - concrete - impermeable

Every person who owns or operates a breeding kennel, boarding kennel or a Class II Doggie Daycare shall ensure that the portion of the building being used for the operation has a floor and walls made of concrete or other impermeable material and shall not be made from painted wood.

531.5.17 Cage - pen - minimum requirements - based on size

Every person who owns or operates a breeding kennel, boarding kennel or a Class II Doggie Daycare shall provide the following individual cage or pen minimum space and height per dog and also for any puppy not kept with the whelping bitch:

Weight	Minimum pen floor area per animal	Minimum pen height per animal
Up to 12 kg (26.4 lbs.)	1.0 square metres (108 sq.ft.)	0.8 metres (8.6 sq.ft.)
Over 12 kg (26.4 lbs.) and under 30 kg (66.1 lbs)	2.0 square metres (21.5 sq.ft.)	0.9 metres (9.7 sq.ft.)
30 kg (66.1 lbs) or more	Minimum 2.5 square metres (26.9 sq.ft.) and additionally, dog must be able to stretch or stand to its full body height and full body length.	Minimum 2.0 metres (21.5 sq.ft.) and additionally, dog must be able to stretch or stand to its full body height and full body length.

Article 6

**BREEDING KENNELS, BOARDING KENNELS
CLASS I DOGGIE DAYCARE, AND
CLASS II DOGGIE DAYCARE**

531.6.1 Attendant on duty - dogs present - contact number

Every person who owns or operates a breeding kennel, boarding kennel or doggie daycare shall ensure that at least one person is on site or on call with a contact number clearly posted outside of the facility on the property of the business at all times when dogs or puppies not owned by and where applicable also licensed to a resident at the property are present at the facility and shall ensure that care is provided in accordance with this Chapter and that each dog's or puppy's medical emergencies or health issues are dealt with in a timely fashion.

531.6.2 Records - kept - information requirements

Every person who owns or operates a breeding kennel, boarding kennel or doggie daycare shall keep records of each incoming and outgoing dog or puppy including the following minimum information:

- (a) name and address of the owner of all dogs cared for or kept at the facility; and
- (b) dates of arrivals to and departures from the facility of each individual dog.

531.6.3 Owner - operator - to ensure all dogs vaccinated

Every person who owns or operates a breeding kennel, boarding kennel or doggie daycare, shall ensure that each dog coming into the facility is current in its vaccinations against rabies.

Article 7

BREEDING KENNELS AND BOARDING KENNELS

531.7.1 Facility - construction - requirements

Every person who owns or operates a breeding kennel or a boarding kennel shall construct the breeding kennel or boarding kennel facilities in accordance with the regulations set out in Section 531.7.2 through Section 531.7.4 inclusive.

531.7.2 Floor - self draining - minimum requirements

The floor of the breeding kennel or boarding kennel building shall be self-draining with a maximum five minute drain time and have a drain opening constructed as a plumbing fixture connected to the sanitary sewer maintained in functioning condition at all times. A plumbing permit is required for the installation of the drain.

531.7.3 Shade - open air runs - fencing - space requirement

Every breeding kennel or boarding kennel shall be provided with adequately shaded, open air run(s), properly fenced to maintain control of all dogs and with adequate space to accommodate the breed(s) of dog being housed unless otherwise approved by Council.

531.7.4 Fencing - solid - obstructing visibility - access

The yards and runways associated with the breeding kennel or boarding kennel operation shall be completely enclosed with a solidly constructed fence so as:

- (a) to obstruct fully the visibility of the neighbouring properties from the dogs and puppies as reasonably possible given the grade of the property and the City's fencing restrictions; and
- (b) to prevent the dogs and puppies from escaping from the premises.

Article 8
BREEDING KENNELS

531.8.1 Records - kept - information requirement

Every person who owns or operates a breeding kennel, shall keep records of every incoming and outgoing dog and puppy including the following minimum information in addition to the information required by Section 531.6.2:

- (a) names, addresses and phone numbers of all persons to whom a dog or puppy is sold or transferred and dates of said transfers;
- (b) breeding and identification records of all whelping bitches, stud dogs, and resulting litters; and
- (c) veterinarian records on every individual dog and puppy shall be maintained at the licensed address.

531.8.2 Whelping bitch - separate accommodation - required

Every owner or operator of a breeding kennel shall maintain any whelping bitch in separate accommodation from the other dogs and shall provide a space for the whelping bitch and her puppies or dogs in her litter to the satisfaction of the Poundkeeper that is at least 2.5 times the length and width that would otherwise be required for that dog under this Chapter.

531.8.3 Whelping box - construction requirements

Every owner or operator of a breeding kennel shall ensure that the whelping box required in Section 531.8.2 shall be constructed with four sides and a floor made from impermeable materials.

531.8.4 Puppies - separate space - indoors - outdoors

Every owner or operator of a breeding kennel shall provide and maintain a space both indoors and outdoors for weaned puppies or dogs under the age of four months to stay that is separate from dogs four months or older.

531.8.5 Veterinarian check up - required

Every owner or operator of a breeding kennel shall cause all dogs to be veterinarian checked and inoculated yearly and ensure that health problems of dogs and puppies are dealt with appropriately.

531.8.6 Veterinarian check up - prior to any sale

Every owner or operator of a breeding kennel shall cause all dogs or puppies to be vet checked and cleared for health and parasites prior to any sale.

Article 9
ENFORCEMENT

531.9.1 Fine - for contravention - person

Every person other than a corporation who contravenes any provision of this Chapter and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and is liable, upon conviction, to a fine not exceeding Twenty-Five Thousand Dollars (\$25,000).

531.9.2 Fine - for contravention - corporation

Every corporation that contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Fifty Thousand Dollars (\$50,000).

Article 10
VALIDITY

531.10.1 Severability

It is hereby declared that each and every of the foregoing Sections of this Chapter is severable and that, if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

Article 11
ENACTMENT

531.11.1 Effective date

This Chapter comes into force and effect on January 1, 2005. By-law 2004-261, 6 December, 2004.

KENNELS - BREEDING - BOARDING

SCHEDULE

Schedule 'A' - Business Licence Procedure

1. Upon receipt of a complete licence application the Manager of Licensing shall either issue or renew a licence hereunder or shall refer the matter to Council or a Committee of Council where appropriate under the provisions of this Chapter or any other by-law of Council.
2. Save as otherwise provided herein, every licence issued or renewed pursuant to this Chapter shall be issued in the name of Council by the Manager of Licensing.
3. The Manager of Licensing shall not process an application where that application is incomplete. An application will be deemed incomplete where:
 - (a) required information has not been provided on the application form;
 - (b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;
 - (c) the prescribed licence fee is unpaid; or
 - (d) the Manager of Licensing has received an unsatisfactory report regarding an investigation carried out pursuant to Chapter 500 of the City of Kitchener Municipal Code or any other by-law of the City and the conditions causing the report to be unsatisfactory have not been remedied.
4. Where the Manager of Licensing receives an incomplete application, the Manager of Licensing shall, where an address or other contact information has been provided, notify the applicant that the application is incomplete and of the steps required to complete the application.
5. Where the Manager of Licensing decides an application is incomplete, the applicant shall have the right to appeal that decision to Council or a Committee of Council.
6. If the Manager of Licensing is unable to determine whether an application is incomplete, he/she may refer the matter to Council or a Committee of Council for consideration.
7. The Manager of Licensing may refer an application or a licence to Council or a Committee of Council where:

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- (a) the applicant or licensee does not meet the requirements of this Chapter or any other applicable law or by-law;
 - (b) there are reasonable grounds for belief that an application or other document provided to the Manager of Licensing by or on behalf of an applicant or licensee contains a false statement or provides false information;
 - (c) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (d) without limiting the generality of Section 7(c), any person, including the officers, directors, employees or agents of a corporation, has contravened this Chapter or any other by-law or federal or provincial statute or regulation while engaged in or conducting the business;
 - (e) any special conditions placed on a former or current licence of the applicant or licensee under this Chapter have not been met; or
 - (f) the provisions of this Chapter provide grounds not to issue or renew in the circumstances.
8. When any matter has been referred or appealed to Council or a Committee of Council, the applicant or licensee shall be given reasonable notice of the time and place of the hearing and shall be invited to make submissions.
9. When any matter has been referred or appealed to Council or a Committee of Council, after due consideration of the application or licence and after Council or a Committee of Council has heard such representations as the applicant or licensee and staff may care to make, Council may direct that the licence be issued or renewed, or may refuse, suspend, revoke or add conditions to a licence where:

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- (a) the applicant or licensee does not meet the requirements of this Chapter or any other applicable law or by-law;
- (b) information or documentation required by the Manager of Licensing as part of the application process has not been provided;
- (c) the application is incomplete or the prescribed licence fee is unpaid;
- (d) the Manager of Licensing receives an unfavourable report regarding an investigation carried out pursuant to Chapter 500 of the City of Kitchener Municipal Code or any other by-law of the City;
- (e) there are reasonable grounds for belief that an application or other document provided to the Manager of Licensing by or on behalf of an applicant or licensee contains a false statement or provides false information;
- (f) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (g) without limiting the generality of Section 9(f), any person, including the officers, directors, employees or agents of a corporation, has contravened this Chapter or any other by-law or federal or provincial statute or regulation while engaged in or conducting the business;
- (h) any special conditions placed on a former or current licence of the applicant or licensee under this Chapter have not been met;
- (i) the provisions of this Chapter provide grounds not to issue or renew in the circumstances; or

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- (j) the applicant or licensee has consented to the refusal, suspension, revocation or adding of conditions to the licence.
10. Where a licensee is convicted of an offence under any federal or provincial Act, any regulation made thereunder, or any by-law of the City in relation to or during the carrying on of the trade, calling, business or occupation licensed hereunder, the licence may be suspended forthwith by Council until such time as the matter can be heard and finally determined by Council. By-law 2004-261, 6 December, 2004; Schedule 'A'; By-law 2006-45, 13 February, 2006.