

# Committee of the Whole

Department Report No. PED-2023-02

**From: Jennifer Laforest, Senior Planner**

**Date: June 8<sup>th</sup> 2023**

**Subject: Backyard Hen Program**

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## Recommendation

**BE IT RESOLVED THAT** Staff carry out public consultation to assess the community's support for allowing backyard hens in residential areas.

**BE IT FURTHER RESOLVED THAT** Staff prepare a summary of public comments received and final report to Council for consideration.

## Background

Currently, provincial legislation recognizes a chicken as livestock unit. Hens are therefore only permitted in agricultural areas as part of farm or hobby farm operations. Presently, in the Township of Champlain, to be eligible to have chickens, the property owner must have a lot size of 2.0 Hectares (5 acres) and be located outside the village boundaries.

The purpose of this report is to introduce key considerations to the Committee of the Whole for discussion.

## Analysis

Administration receives about 5 calls a year from residents interested in keeping hens on their residential property. The keeping of chickens in this context is not for agricultural use but for personal enjoyment of the household.

## Considerations

The following items are frequently discussed in relation to the development of a residential hen (backyard hen) program:

### 1. Number of Hens

The table below provides a summary of Backyard Hen programs in Ontario and large Canadian urban centers. The most common number of hens allowed in residential areas is 4. Administration was unable to find any program that allowed for roosters.

Municipality	Minimum Lot Size*	Number of Chickens	Licence System
Township of Russell	500m	3-5	Yes
Alfred and Plantagenet	None	6	Yes
Carleton Place	325 m2	6	Yes
Arnprior	500 m2	4	Yes
City of Edmonton	250m2	3-6	Yes
City of Vancouver	None	4	Yes
Quinte West	2,023 m2	4	Yes
Niagara Falls	370 m2	10	No

### 2. Minimum Lot Size

Most municipal hen programs restrict licences to residential lots with existing single detached or semi-detached dwellings with larger backyard areas.

For reference, Champlain Township's Zoning By-law has a minimum lot area of 450m<sup>2</sup> for single detached dwellings and 300 m<sup>2</sup> for semi-detached dwellings. Administration recommends Council consider a minimum lot area of 500m<sup>2</sup> or 0.1 acres.

### 3. High Density Residential Areas

The City of Edmonton issues hen licences for row housing and multi-unit ground-oriented developments – in essence limiting hens to development which have typically have adjoining backyards.

The City of Vancouver allows hens in apartment building complexes however the number of hens limited to 4 for the entire development. Hen or hen enclosures are not allowed on balcony or communal terraced areas.

### 4. Neighbourhood Compatibility

Most municipalities have a cap on the number of hen licences issued annually. Both renters and owners are equally eligible for licences provided any renter has authorization from the property owner.

Hen licences are not issued to properties with non-conforming uses. Clauses are contained within the licences issued that reserve the By-law Officer or Council's right to cancel or rescind the hen licence or program at any time. The Township of Russell also limits permits and licences to properties which are fenced. Administration contends a fence requirement would be prohibitive in Champlain.

### 5. Notification

The City of Edmonton issues 'discretionary use' permits for backyard hens which can be appealed by an adjacent property owner to the municipal appeal board. Managing appeals is not practical for a program of this scale in Ontario, and therefore many municipalities will provide discretion to the By-law Enforcement Officer approving or rescinding hen licences.

Once a formal program is established, Council may consider refer appeals of refusals of hen licences to a Property Standards Committee.

## 6. Animal Care

Interest in hen licences may be high among residents with limited or no experience with animal husbandry. To address concerns Council may require applicants to complete a course providing guidance on how to care for hens. Champlain Township may also create a partnership with a local farmer or veterinarian who acts as a mentor for guidance and tips for licence holders.

Some municipalities provide detailed construction standards of hen coops. Specific regulations within the licence outline the minimum indoor and outdoor run areas, minimum number of nesting boxes, dedicated area for hen dry bath, insulation and sunlight. Specifications are provided in the draft by-law in Attachment B of this report.

## 7. Health and Nuisance

Several metropolitan regions across Canada continue to prohibit hens in residential areas, frequently citing concerns with avian flu. Chickens are particularly susceptible to transmission of Type A Avian Influenza through direct interaction with wild geese and ducks. Municipalities with hen programs agree that if hens kept in cleaned enclosures and food is secure then potential for exposure to bird diseases is limited.

In April of 2022, the EOHU confirmed the presence of Avian Influenza in Eastern Ontario.

### **Internal Review**

#### Fire Department

Recommend NFPA Chicken Coop Safety pamphlet

#### Building and By-law Enforcement

Recommend large lot areas to avoid any conflict with adjacent neighbours

#### Parks and Recreation

Recommend minimum of 15 meters of setback from public parkland

#### Public Works

No comments received

## Financial Implications

A service level increase may be associated with the development of a backyard hen program in Champlain Township as the program will require more resources from the By-Law Enforcement Office operating budget (licences, inspections, enforcement orders, forms, website information to manage program delivery); and, small increase Communications Budget – brochures, FAQ, community consultation (newspaper adds, application forms, survey monkey, project website) to share knowledge of program standards.

The typical fee for a backyard hen licence is \$50 – 75.

## Options/Alternatives

1. Receive this report as information and take no further action at this time.
2. Recommend Council refuse to further consider the development of a backyard hen program.
3. Recommend Administration return with additional information prior to public consultation.
4. Recommend Administration carry out public and return with a final by-law for Council's review.

## Conclusion

Administration contends that a very small number of hens may be appropriate and compatible with residential areas.

Council may consider implementing an 18-year pilot program to test the compatibility of hens in residential areas. It is recommended public consultation be carried out prior to adopting a final hen by-law.



Respectfully submitted by:

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**Kevin Tessier CPA**  
CAO

**Attachments:**

- A. Staff Presentation
- B. Draft By-law – For Discussion
- C. NFPA Chicken Coop Safety pamphlet