

## LEGAL RESOURCES

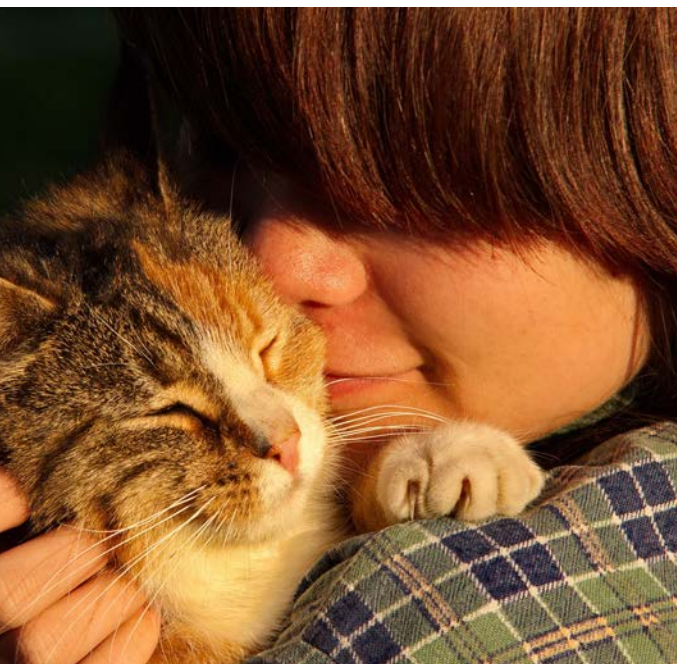
Case law across Canada has shown progress in recognizing the importance of the connection between humans and animals, and acknowledging the "Link" that exists between interpersonal violence and animal abuse.

### Case Law Resources

R v S.E.A., 2015 ABCA 182  
M.M.M. v B.D.M., 2017 ABQB 532  
R v Wicker, 2007 ABPC 129  
R v White, [2012] NJ No 263  
R v G.J. W., 2004 NLSCTD 144  
R v Perrin, 2012 NSPC 134  
R v Zeller, 1998 ABPC 19

### Canadian Legislation Resources

British Columbia - Family Law Act, SBC 2011, c 25, s1  
Newfoundland and Labrador - Family Violence Protection Act, SNL 2005, c F-3.1, s 2(j)  
Manitoba - Domestic Violence and Stalking, CCSM c D93, s 6.1(1)  
Criminal Code of Canada, RSC, 1985, c C-46, ss 264.1(1)(c), 445, 445.01, 445.1, 446



## COMMUNITY RESOURCES

**Regina Humane Society – Safe Places**  
[www.reginahumanesociety.ca/programs-services/outreach/safe-places](http://www.reginahumanesociety.ca/programs-services/outreach/safe-places)

**New Hope Dog Rescue Animal Safe Keeping Program**  
[www.newhoperescue.org/animal-safekeeping](http://www.newhoperescue.org/animal-safekeeping)

**Southwest Crisis Services Animal Safe Keeping Program**  
[www.swcrisis.ca/copy-of-safe-shelter](http://www.swcrisis.ca/copy-of-safe-shelter)

**Saskatoon SPCA Pet Safekeeping Program**  
Phone: 306-374-7387

**Melfort Area Safe Haven Program**  
Phone: 306-752-7722

**PATHS**  
[www.pathssk.org](http://www.pathssk.org)

**STOPS to Violence**  
[www.stopstoviolence.com](http://www.stopstoviolence.com)

**Saskatchewan SPCA**  
306-382-7722  
[saskspca.ca](http://saskspca.ca)

[violencelink.ca](http://violencelink.ca)

**National Centre for the Prosecution of Animal Cruelty (A program of Humane Canada)**  
[www.ncpac.ca](http://www.ncpac.ca)

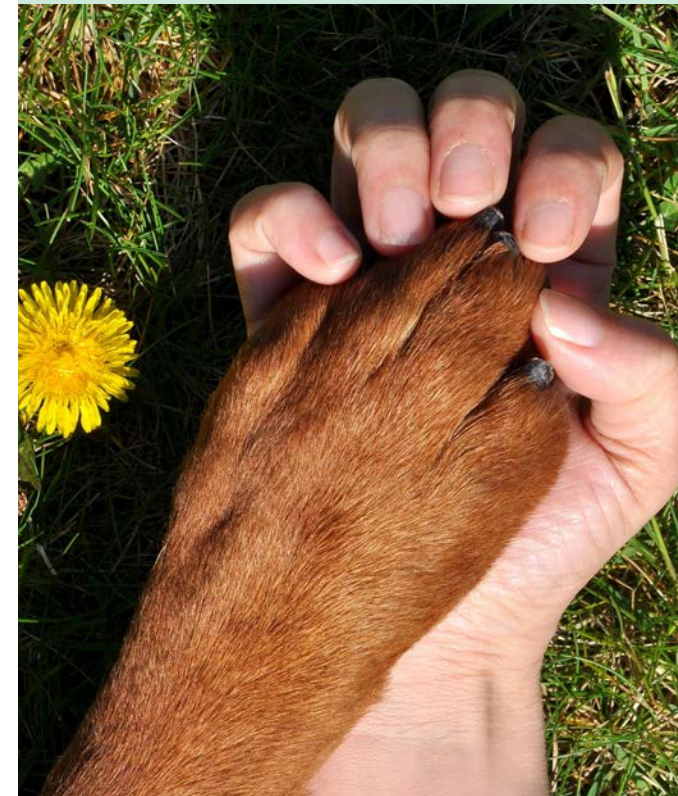


PO Box 37, Saskatoon, SK S7K 3K1  
1.877.382.7722 or 306.382.7722  
[saskspca.ca](http://saskspca.ca) | [info@saskspca.ca](mailto:info@saskspca.ca)



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## THE LINK BETWEEN INTERPERSONAL VIOLENCE AND ANIMAL ABUSE



## HOW TO AID THOSE EXPERIENCING INTERPERSONAL VIOLENCE - AND THEIR PETS - THROUGH THE USE OF PROTECTIVE ORDERS

# THE LINK

There has been extensive research demonstrating a connection between intimate partner violence and animal abuse. This connection is referred to as “the Link” in research and other jurisdictions’ common law. The exploration into “the Link” is based on research that reveals the frequent occurrence of survivors of intimate partner violence who own pets experiencing their pets being mistreated, threatened, harmed, and potentially killed. There is evidence that intimate partner violence and animal abuse rarely occur in isolation of each other and results in the abusive partner continuing to harm the survivor and their pets.

Harm or threats to harm a pet can be used by the aggressor as a tool to control and or retaliate against the person experiencing the abuse:

- Fear of violence or neglect toward a pet could prevent them from leaving an unsafe situation
- Coerce them into returning to the home
- Force them to remain silent through threats to harm the animals if the violent behaviour is reported
- Risk of violence if person experiencing abuse returns to care for, retrieve, or visit their pet

“The Link” establishes the emotional and psychological connection between humans and animals. Pets are often seen as part of the family, making it difficult for those experiencing abuse to leave the home knowing their pet is left behind. A study conducted by the Alberta SPCA in 2012 found that over half of the women in emergency shelters who owned pets, delayed leaving their abusive partner out of fear that their pets would be harmed. A recent study in 2020 conducted by Crystal Giesbrecht from the Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) also concluded that 90% of intimate partner violence professionals and 93% of animal welfare professionals agreed that an individual’s planning and decision to leave an abusive relationship was impacted by fears for the safety and safekeeping of their animals.

As of 2018, Statistics Canada reported Saskatchewan having the highest rate of police-reported interpersonal violence of all Canadian provinces. There are few resources available for those attempting to leave an abusive situation that accommodate pets, and separation can be detrimental for both human and pet. Provincial legal reform should recognize “The Link”, with the objective of making it easier for those experiencing abuse to escape violent conditions and ensure the safety of their pets in the process, ideally through preventative measures.

# LEGISLATION

With the current legal notion of animals being considered and treated as property, there are legal options available that include the protection of property for victims leaving interpersonal violence situations that may be applied to animals and pets.

## Emergency Intervention Orders ("EIO")

Section 2(e.1) Saskatchewan’s *Victims of Interpersonal Violence Act* (VIVA) defines “interpersonal violence” to include:

- (i) any intentional or reckless act or omission that causes bodily harm or damage to property
- (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property

Section 3(1) of the VIVA states that “EIOs” are used for the immediate protection of victims in serious or urgent situations of interpersonal violence, including the presence of immediate danger to persons or property under section 3(2)(c). Under section 4(1) of the VIVA, “EIOs” take effect immediately, subject to the aggressor receiving notice of the order.

As per section 2(a) of the VIVA, victims of interpersonal violence can apply for an “EIO” in situations of:

- (i) persons who have resided together or who are residing together in a family relationship, spousal relationship or intimate relationship
- (ii) persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time
- (iii) persons who are in an ongoing caregiving relationship, regardless of whether they have lived together at any time

Section 3(4) of the VIVA indicates that an “EIO” may also be subject to any terms that the designated justice of the peace considers appropriate to provide immediate protection. Such terms may be implemented to protect or remove animals from imminent harm. Only the person applying for the “EIO” needs to be present and provide information.

## Victim's Assistance Orders ("VAO")

Section 7(1) of the VIVA outlines “VAOs”, which are issued by the Court of Queen’s Bench in non-emergency situations of interpersonal violence. “VAOs” can contain all of the terms in an “EIO” and also include provisions granting temporary possession of specified personal property under section 7(1)(g) of the VIVA, as well as preventing the aggressor from taking or damaging property that the victim may have an interest in under section 7(1)(h). While these provisions do not exclusively safeguard pets, they may be applied to protect them as the property of the victim, if their concern for the animal is related to their own protection. Other remedies to ensure the protection of pets include the ability to order that a pet be returned to and be the exclusive possession of one party. This may be ordered concurrently with an exclusive possession of the house order or a family law restraining order for a fixed period of time.

## Peace Bonds / No Contact Orders

Section 810 of the *Criminal Code* outlines peace bonds/no contact orders, issued in circumstances where any person fears on reasonable grounds that another person will cause personal injury to them/their intimate partner/child, or will damage their property. Specific, reasonable conditions may be imposed to prevent such harm and ensure the aggressor keeps the peace and is of good behaviour. These measures do not deal with emergencies, as they may take weeks or months to obtain.

# RECOMMENDATIONS

Saskatchewan’s laws surrounding animals are limited and have been recognized as deficient compared to the rest of Canada. Given this, it is essential that Saskatchewan continues to improve its legislation surrounding animal welfare and protection.

## Saskatchewan legislation needs clarity regarding the status of pets and the relationship between pets and interpersonal violence

- *The Children’s Law Act* 2020 amendments has defined family violence to include “threats to kill or harm an animal or to damage property; and the killing or harming of an animal or the damaging of property”
- Similar language needs to be reflected in *The Victims of Interpersonal Violence Act* as well
- Harm or threats to harm pets can prevent victims from leaving their abusers

## Saskatchewan should adopt a legal definition of animals as more than mere property

- Recognition of animals as sentient beings has been applied in law in many jurisdictions, including Australia, New Zealand, the European Union, and Quebec
- If this perspective were recognized in Saskatchewan, awareness of pets’ involvement in situations of interpersonal violence could increase, and assist in removing barriers to easily allow pets to be protected in emergency intervention orders

## Saskatchewan needs to make clear allowances for the inclusion of pets in emergency intervention orders

- Currently, *The Victims of Interpersonal Violence Act* does not explicitly mention animals whatsoever
- Creating an independent, specific category for pets’ inclusion in protection orders outside the realm of property would lessen the risk of harm to pets, and empower victims to leave an unsafe situation knowing their pets will be protected in a streamlined process

