

Domestic Rabbit Abandonment in Canada: The Law and Societal Perspectives on Rabbits

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1.0 Introduction

Domestic rabbit abandonment is a widespread and ongoing problem in Canada. Nonetheless, it is an issue which has received little attention in academic literature on animal rights and animal cruelty. In this paper, I argue that the combined effect of inadequate laws addressing pet abandonment and popular misconceptions about domestic rabbits as pets have allowed the problem of rabbit abandonment to go largely unchecked. The goal of this paper is to fill this void in the literature by examining the problem in detail and to make recommendations for how it can be productively addressed.

I begin by explaining the context and consequences of Canada's rabbit abandonment problem. Next, I describe what Canadian law currently says about pet abandonment, in terms of both prohibitions and penalties. Then, following a discussion of potential shortcomings of the law and its application, prevailing public perceptions of domestic rabbits, and how these factors intertwine, I make recommendations about how the problem of rabbit abandonment can be mitigated on both social and legal fronts. Ultimately, I conclude that, as is the case with most public policy issues, effective reform of existing legal tools to address the problem of domestic rabbit abandonment is dependent upon, and must be preceded by, improved widespread public education about the needs and proper care of domestic rabbits.

1.1 Methodology and Research Scope

Responsible pet care is a broad issue of global importance. For the purposes of this paper, however, I have deliberately chosen to focus on a single aspect of pet care in a single jurisdiction; namely rabbit abandonment in Canada. Since my goal in writing this paper is to bring attention to rabbit abandonment and to advocate for positive changes that can be made to reduce the problem, I applied a purely doctrinal research methodology involving a review of

academic articles, books, statutes, and reported court cases. It should also be noted that my research has revealed relatively little academic literature about rabbit abandonment and no reported court cases of rabbit abandonment. As a result, the material informing this paper is largely comprised of anecdotal evidence from people who have witnessed the problem of rabbit abandonment firsthand. Source material includes news stories, local shelters, animal lawyers, and individuals with extensive experience in rabbit ownership or advocacy. However, the lack of previous academic research on pet rabbit abandonment in Canada emphasizes a key point made by this paper: specifically, that more attention needs to be given to this issue. This point is further supported by the fact that domestic rabbits are often absent from broader discussions regarding pet needs and animal welfare in Canada; in other words, what is *not* said about them is potentially as harmful as what *is* said about them.

My focus in this paper is on domestic rabbits, which, for the purposes of this discussion, includes feral rabbits. Domestic rabbits are descendants of the wild European rabbit, *Oryctolagus cuniculus*.¹ They are the third most common household pet in western society, behind dogs and cats.² Feral rabbits are the offspring of abandoned domestic rabbits.³ Even though feral rabbits are born outside and are not under human care, they are genetically the same as their domestic parents. To be clear, both domestic and feral rabbits are distinct from wild species of rabbits.⁴ This fundamental distinction is often overlooked, which may be one of the reasons why the law has not traditionally focused on the plight of abandoned domestic rabbits.

1.2 Evidence of the Problem

In Canada, because pet abandonment is typically treated as a local problem, evidence of abandonment largely comes from local animal rescues and shelters with firsthand experience in the matter. Rabbitats Rescue Society in British Columbia, for instance, has reported

¹ Katherine A. Naff and Suzanne Craig, 'The Domestic Rabbit, *Oryctolagus Cuniculus*: Origins and History' in Mark A. Suckow, Karla A. Stevens, and Ronald P. Wilson (eds), *The Laboratory Rabbit, Guinea Pig, Hamster, and Other Rodents* (Elsevier/Academic Press 2012, 57-163)

² Marit E. Buseth and Richard Saunders, *Rabbit Behaviour, Health and Care* (CABI 2015); Victoria V. Shroff, 'Rabbit Reality Far from Eggcellent' (Law360 Canada, 21 April 2020) <https://www.law360.ca/articles/18722/rabbit-reality-far-from-eggcellent-victoria-shroff> accessed 23 March 2023.

³ About the Issue' (Abandoned Rabbits 2023). <https://abandonedrabbits.com/about> accessed on 31 August 2023.

⁴ Ibid.

overwhelming numbers of abandoned and feral rabbits.⁵ According to Sorelle Saidman, the organization's founder, people will often simply dump their pet rabbits in a park when they no longer want them.⁶ Rabbit Rescue Inc., which is based in Cambridge, Ontario, operates in more than 75 cities in the provinces of Ontario and Quebec, regularly rescuing abandoned rabbits from the outdoors.⁷ Haviva Porter, the executive director of Rabbit Rescue Inc., describes rabbit abandonment as a longstanding pattern that escalated during the COVID-19 pandemic in 2020.⁸ This apparent increase in domestic rabbit abandonment is mirrored by an increase in people surrendering their pet rabbits to shelters in recent years. For example, in 2019, the Montreal SPCA took in 140 rabbits; in 2021, they took in nearly 400 rabbits.⁹ Similarly, in 2019, the Surrey Animal Resource Centre took in 60 rabbits, compared to 76 in 2020 and 129 in 2021.¹⁰ Although there are no official figures demonstrating the problem of rabbit abandonment in Canada, according to Canadian animal lawyer Victoria Shroff, thousands of rabbits are abandoned or surrendered in Canada each year.¹¹

The formation of rabbit colonies is also a clear indication of Canada's rabbit abandonment problem. Domestic rabbits have short pregnancies that last for approximately one month, and, on average, produce litters of five to eight baby rabbits, or kits, per pregnancy.¹² Kits are able to start reproducing in a matter of months, and female rabbits can become pregnant again immediately after giving birth.¹³ Because of these breeding patterns, domestic rabbits can reproduce rapidly.¹⁴ Therefore, if dumped domestic rabbits have not been spayed or neutered, and manage to survive outside long enough to reproduce, they will quickly produce feral

⁵ Sarah Chew and James Paracy, 'B.C. Rescue Group Struggling to Keep Up with Abandoned Bunnies' *City News* (Vancouver, 3 January 2023) <https://vancouver.citynews.ca/2023/01/04/bc-rabbit-rescue/> accessed 23 March 2023.

⁶ Sorelle Saidman as cited in Chew and Paracy, 2023 (n 5)

⁷ CBC News, 'Quebec Animal Shelters Overwhelmed by Rabbits as Advocates Call for Stricter Regulations' *CBC News* (Montreal, 3 January 2022) <https://www.cbc.ca/news/canada/montreal/pandemic-rabbits-abandoned-montreal-quebec-shelters-1.6303026> accessed 23 March 2023.

⁸ Haviva Porter as cited in CBC News, 2022 (n 7)

⁹ CBC News, 2022 (n 7)

¹⁰ Nikitha Martins and Robyn Crawford, 'Surrey Animal Shelter 'Bursting with Bunnies,' Looking for Help Ahead of Easter' *City News* (Vancouver, 13 April 2022) <https://vancouver.citynews.ca/2022/04/13/surrey-animal-shelter-easter-bunny/> accessed 30 March 2023.

¹¹ Shroff, 2020 (n 2)

¹² 'Pregnant Rabbits' (Royal Society for the Prevention of Cruelty to Animals [RSPCA] 2023). <https://www.rspca.org.uk/adviceandwelfare/pets/rabbits/health/pregnancy> accessed on 31 August 2023.

¹³ Buseth and Saunders, 2015 (n 2); *Ibid.*

¹⁴ Shroff, 2020 (n 2)

offspring, who will quickly produce their own feral offspring, and so on. This rapid breeding can lead to a population boom and the subsequent formation of a feral rabbit colony in a matter of weeks.¹⁵ These colonies are continuously forming and growing across Canada, from the western provinces of British Columbia and Alberta to the central province of Ontario, and all the way to provinces on the east coast.¹⁶



Fig. 1: Map of Canada outlining the provinces and territories.¹⁷

For example, the town of Canmore, Alberta, is home to a colony of feral rabbits that formed after someone dumped their domestic rabbits outside several years ago.¹⁸ By around

¹⁵ Ibid.

¹⁶ Heidi Lee, 'Year of the Rabbit: Canada's Animal Shelters Urge Not to Adopt Bunnies on a Whim' *Global News* (22 January 2023) <https://globalnews.ca/news/9427121/year-of-the-rabbit-animal-shelters-canada/> accessed 23 March 2023.

¹⁷ 'Reference Maps' (Government of Canada, Natural Resources Canada 2022). <https://natural-resources.canada.ca/earth-sciences/geography/atlas-canada/explore-our-maps/reference-maps/16846#canada> accessed 20 August 2023.

¹⁸ City News, 'Cull Hasn't Been Able to Solve Bunny Burden in Alberta Mountain Town of Canmore' *City News* (Vancouver, 17 July 2018) <https://vancouver.citynews.ca/2018/07/17/cull-hasnt-been-able-to-solve-bunny-burden-in-alberta-mountain-town-of-canmore/> accessed 30 March 2023.

2008, the population was estimated to consist of 2000 rabbits, and in 2012, the town implemented a long-term plan to capture and euthanize the rabbits, which proved to be controversial among residents.¹⁹ A feral rabbit population also formed in the town of Bridgewater, Nova Scotia, after a former resident dumped their pet rabbits outside. Even though the community had a largely welcoming and positive reaction to the colony, one resident founded Two Tails Feral Rabbit Rescue with the goal of finding permanent homes for the rabbits.²⁰

Richmond, a city in British Columbia, has a population of nearly 2000 abandoned domestic and feral rabbits that has been multiplying for over a decade.²¹ In 2020, in an attempt to minimize the colony, efforts were made to capture, spay/neuter, and relocate the rabbits.²² However, these efforts had little success in shrinking the colony and came with their own set of challenges. For instance, all but one of the female rabbits captured between December 2020 and June 2021 were pregnant, meaning their kits were born under the care of people who had to accommodate more rabbits than anticipated.²³

Calgary, Alberta, also has a city-wide feral rabbit problem resulting from people dumping their pet rabbits outside.²⁴ Exacerbating the problem is the fact that the Calgary Humane Society – the city’s major animal adoption centre – does not accept stray rabbits, placing the responsibility of capturing and rehoming abandoned and feral rabbits on smaller shelters with less resources.²⁵ Additionally, Calgary’s municipal government has not addressed the issue,

¹⁹ CTV News, ‘Alberta Town Divided Over Program to Kill Feral Rabbits at Cost of \$300 per Bunny’ *CTV News* (Canada, 16 July 2018) <https://www.ctvnews.ca/canada/alberta-town-divided-over-program-to-kill-feral-rabbits-at-cost-of-300-per-bunny-1.4015879> accessed 23 March 2023.

²⁰ Frances Willick, ‘How Residents of a Small N.S. Town Have Embraced its Feral Rabbits’ *CBC News* (Nova Scotia, 28 September 2021) <https://www.cbc.ca/news/canada/nova-scotia/bridgewater-feral-rabbits-1.6191833> accessed 23 March 2023.

²¹ Lee, 2023 (n 16); CBC News, ‘Feral Rabbit Problem Growing at Richmond Auto Mall’ *CBC News* (British Columbia, 8 April 2012). <https://www.cbc.ca/news/canada/british-columbia/feral-rabbit-problem-growing-at-richmond-auto-mall-1.1195153> accessed 30 March 2023.

²² Kirsten Clarke, ‘Richmond Feral Rabbit Population Not Declining Despite Management Efforts’ *Richmond News* (Richmond, 26 February 2022) <https://www.richmond-news.com/local-news/richmond-feral-rabbit-population-not-declining-despite-management-efforts-city-report-5106112> accessed 30 March 2023.

²³ *Ibid.*

²⁴ ‘About Wild Rose Rabbit Rescue’ (Wild Rose Rabbit Rescue [WRRR] 2023) <https://www.wrrabbitrescue.com/about> accessed 31 August 2023.

²⁵ Brittany Gervais, ‘Rabbit Rescuers Call on City to Take Humane Action Against Growing Calgary Colonies’ *Calgary Herald* (Calgary, 16 April 2022) <https://calgaryherald.com/news/local-news/rabbit-rescuers-call-on-city-to-take-humane-action-against-growing-calgary-colonies> accessed 31 August 2023.

neglecting to implement any programs or strategies to control the rabbit population or to better prevent rabbit abandonment in the first place.²⁶



Fig. 2: Feral rabbits in a suburban neighbourhood in Calgary, AB (Courtesy of Anne Billingsley, 2021).

In 2014, a colony of approximately 70 rabbits formed in a neighbourhood in Sudbury, Ontario, after a member of the community released more than a dozen rabbits outside without understanding the consequences of his actions.²⁷ Unsure of what to do about the rabbits, efforts from residents to control the population varied from shooting the rabbits to putting them up for adoption online.²⁸ The colony was still holding strong as of 2017, and residents remained divided on what, if anything, should be done about the rabbits.²⁹

One of the most infamous rabbit colonies in Canada formed at the University of Victoria in British Columbia. People had been abandoning their pet rabbits on the campus since the mid-1980s.³⁰ By 2010, the campus was home to an estimated 1600 rabbits who had either been abandoned by their owners, or who were the feral offspring of rabbits abandoned by their

²⁶ Ibid.

²⁷ CBC News, 'Exploding Population of Rabbits vexes Residents in Sudbury Neighbourhood' *CBC News* (Sudbury, 22 August 2014) <https://www.cbc.ca/news/canada/sudbury/exploding-population-of-rabbits-vexes-garson-neighbours-1.2743797> accessed 30 March 2023.

²⁸ Ibid.

²⁹ Jim Moodie, 'Rabbits Run Amok in Garson' *Sudbury Star* (Sudbury, 25 June 2017) <https://www.thesudburystar.com/2017/06/25/rabbits-run-amok-in-garson> accessed 31 August 2023.

³⁰ *Cassells v. University of Victoria*, 2010 BCSC

owners.³¹ The colony became a source of significant conflict over what to do about the rabbits, with health and safety, environmental damage, and colony expansion into nearby communities being cited as primary concerns.³² The rabbits were identified as a nuisance by the University, with their eating habits, digging behaviours, and droppings having a negative impact on the campus grounds and athletic fields.³³

In May 2010, the University trapped and put down 104 rabbits, 64 of which were nestlings.³⁴ In June 2010, an “Official Feral Rabbit Management Plan” was released by the University, which proposed methods such as “trapping, sterilizing, releasing, relocating and putting down” the rabbits.³⁵ In response, social justice activist Roslyn Cassells brought an application before the British Columbia Supreme Court seeking an injunction to prevent the University from continuing to cull the rabbits. During the course of proceedings, Cassells was granted an interim injunction which redirected the University to pursue methods other than euthanasia for dealing with the rabbit colony. However, the application was ultimately unsuccessful because the court held that, as a private citizen, Cassells did not have standing to bring the case. This case demonstrates both the conflict surrounding what to do with rabbit colonies and the limitations of the civil law process as a tool for protecting abandoned rabbits.

In the end, through extensive efforts, the University of Victoria was able to relocate the rabbits to a number of different sanctuaries.³⁶ They also adopted a “rabbit-free policy” to discourage people from abandoning their rabbits on the campus, and declared that any new rabbits dumped on the campus would be euthanized instead of relocated.³⁷

The above case studies are only a handful of many available examples. Evidently, while rabbit abandonment in Canada may not be a major focus of academic research, there is a plethora of news reports, rabbit welfare organizations, and residents whose stories and experiences reveal rabbit abandonment to be a clear problem.

³¹ Ibid; Maneesha Deckha and Erin Pritchard, ‘Recasting Our “Wild” Neighbours: Contesting Legal Otherness in Urban Human-Animal Conflicts’ (2016) 49(1) *University of British Columbia Law Review* 161 https://heinonline-org.login.ezproxy.library.ualberta.ca/HOL/Page?iname=&public=false&collection=journals&handle=hein.journals/ubclr49&men_hide=false&men_tab=toc&kind=&page=161

³² Deckha and Pritchard, 2016 (n 31)

³³ Cassells (n 30)

³⁴ Ibid [8]

³⁵ Ibid [8]

³⁶ Diana Szpotowicz, ‘Bye Bye Bunnies: UVic Declared a Rabbit Free Campus’ *CTV News* (Vancouver, 1 March 2011) <https://bc.ctvnews.ca/bye-bye-bunnies-uvic-declared-a-rabbit-free-campus-1.613232> accessed 31 August 2023.

³⁷ Ibid.

1.3 Impact on Rabbits and the Environment

Domestic rabbits are distinct from wild rabbits and hares because they lack certain qualities and instincts necessary for surviving on their own.³⁸ For example, due to the alteration of genes during the domestication process, domestic rabbits are friendlier and less innately fearful than wild rabbits.³⁹ Domestic rabbits also have a wide variety of fur colours and patterns that last year-round, meaning that they do not seasonally camouflage in outdoor settings.⁴⁰ On the other hand, wild rabbits and hares generally have mottled brown fur, and many species will turn white in the winter to be camouflaged across seasons.⁴¹ Domestic rabbits also lack the necessary coping mechanisms wild rabbits and hares have for temperature fluctuations, making them vulnerable to extreme heat in the summer and excessive cold in the winter.⁴² Essentially, hundreds of years of domestication have made pet rabbits heavily reliant on humans to provide for and to protect them, whereas wild rabbits still have the instincts and physical adaptations needed to fend for themselves. These differences mean that domestic rabbits left outdoors without care are highly susceptible to predation, hypothermia, dehydration, and potential death or distress stemming from untreated injuries and wounds.⁴³ In other words, because domestic rabbits are unable to reliably fend for themselves, they often end up dying soon after being abandoned.⁴⁴

Another major threat abandoned and feral rabbits face is diseases. One particularly concerning disease is Rabbit Hemorrhagic Disease (RHD). RHD is a highly contagious viral disease that can affect both wild and domesticated rabbits, with a mortality rate of over 80% in

³⁸ 'Position Statement on Feral Rabbits' (British Columbia Society for the Prevention of Cruelty to Animals 2022). <https://spca.bc.ca/programs-services/leaders-in-our-field/position-statements/position-statement-on-feral-rabbits/#:~:text=Non%2Dnative%2C%20domestic%20European%20rabbits,these%20rabbits%20as%20domesticated%20animals>. accessed 23 March 2023.

³⁹ Margo DeMello, 'Rabbits Multiplying like Rabbits: The Rise in the Worldwide Popularity of Rabbits as Pets' in Michał Piotr Pręgowski (ed), *Companion Animals in Everyday Life: Situating Human-Animal Engagement Within Cultures* (Palgrave Macmillan 2016, 91-109)

⁴⁰ 'Wild vs. Domestic Rabbits' (Rabbit Rescue Inc. 2023). <http://rabbitrescue.ca/useful-info/wild-vs-domestic-rabbits/> accessed on 31 August 2023.

⁴¹ Ibid.

⁴² Buseth and Saunders, 2015 (n 2)

⁴³ WRRR, 2023 (n. 24)

⁴⁴ Shroff, 2020 (n 2)

domesticated European rabbits.⁴⁵ Clinical signs of RHD include appetite loss, depression or lethargy, bloody discharge coming from the nose and mouth, muscular convulsions, difficulty breathing, high body temperatures, and ultimately death.⁴⁶ RHD is highly contagious and spreads quickly throughout and between rabbit colonies, often decimating the populations. For instance, RHD was identified in Edmonton, Alberta in 2021, where it wiped out a colony of approximately 30 rabbits that had been living in a cemetery for more than 30 years.⁴⁷ In 2022, an outbreak of RHD in Calgary killed off a significant portion of the City's feral rabbit population.⁴⁸



Fig. 3: A domestic rabbit carcass from a colony in Jericho Beach, Vancouver, BC (Courtesy of Anne Billingsley, 2021).

Abandoned and feral rabbits also negatively impact the environment in which they live. They are considered to be an invasive species, which means they compete with native species for

⁴⁵ Joana Abrantes et al., 'Rabbit Haemorrhagic Disease (RHD) and Rabbit Haemorrhagic Disease Virus (RHDV): A Review' (2012) 43(1) *Veterinary Research* <https://doi.org/10.1186/1297-9716-43-12> ; Chelsea G. Himsworth, et al., 'An Outbreak of Rabbit Hemorrhagic Disease in British Columbia, Canada' (2021) 57(4) *Journal of Wildlife Diseases* <https://doi.org/10.7589/jwd-d-21-00061>

⁴⁶ Aruna Ambagala et al., 'Incursions of Rabbit Haemorrhagic Disease Virus 2 in Canada – Clinical, Molecular, and Epidemiological Investigation' (2021) 68(4) *Transboundary and Emerging Diseases* <https://doi.org/10.1111/tbed.14128>; Himsworth et al., 2021 (n 45)

⁴⁷ Wallis Snowdon, 'Alberta Monitoring Wild and Feral Rabbits for Signs of 'Fast and Fatal' Viral Disease' *CBC News* (Edmonton, 2 October 2022) <https://www.cbc.ca/news/canada/edmonton/rabbit-haemorrhagic-disease-alberta-1.6602268#:~:text=In%20Edmonton%20in%20the%20fall,the%20feral%20rabbits%20were%20gone> accessed 30 March 2023.

⁴⁸ *Ibid.*

both food and space.⁴⁹ As a result, they often end up upsetting the balance of ecosystems, disrupting food sources for other species, and introducing parasites and disease to other species.⁵⁰ For instance, since RHD can affect wild rabbit species as well, there is concern over feral rabbits transmitting the disease to their wild counterparts.⁵¹ According to the City of Vancouver, which is home to a large feral rabbit population at Jericho Beach, the rabbits are “the second greatest threat to biodiversity following habitat loss” in the area.⁵²

1.4 Impact on Humans and Communities

Rabbit abandonment may negatively impact people and the communities in which they live. Due to their ravenous eating habits and digging behaviours, rabbits are notorious for damaging lawns and gardens and therefore are often viewed as a nuisance.⁵³ Feral rabbit populations are also easy prey for larger predators, and as a result, may draw these predators into urban areas where they also pose a threat to people and/or their pets.⁵⁴ For instance, the rabbit colony in Sudbury attracted a population of foxes into the neighbourhood, with residents reporting frequent sightings of the foxes attacking the rabbits.⁵⁵ The fear of attracting larger predators was also a driving factor in the decision to implement a rabbit euthanization program in the mountain town of Canmore where there is an increased risk of attracting especially dangerous animals, such as bears and cougars, due to the proximity of nearby forests.⁵⁶

Additionally, efforts to eradicate a rabbit population to alleviate these concerns can become costly for any community. For example, Canmore’s feral rabbit management program cost hundreds of thousands of dollars over approximately a decade in an attempt to eliminate the town’s feral rabbit population.⁵⁷ As of 2023, the town has spent approximately \$600 000 in cull

⁴⁹ ‘We Get It. Jericho’s Bunnies Are Cute – But Please Don’t Touch’ (City of Vancouver 2022). <https://vancouver.ca/news-calendar/jerichos-bunnies-are-cute-but-please-dont-touch.aspx> accessed on 23 March 2023.

⁵⁰ Ibid.; Gail Wallin as cited in Chew and Paracy, 2023 (n 5)

⁵¹ Himsworth et al., 2021 (n 45)

⁵² City of Vancouver, 2022 (n 49)

⁵³ WRRR, 2023 (n 24)

⁵⁴ Jay Honeyman as cited in City News, 2018 (n 18); WRRR, 2023 (n 24)

⁵⁵ Moodie, 2017 (n 29)

⁵⁶ CTV News, 2018 (n 19)

⁵⁷ City News, 2018 (n 18)

efforts.⁵⁸ The feral rabbit population persisted despite these efforts, but has recently declined due to a suspected outbreak of RHD.⁵⁹

2.0 Current Animal Protection Laws in Canada

Canada is a federation, which means that laws may be enacted nationally by the federal government and regionally by provincial or territorial governments. At the federal level, criminal offences are set out in the *Criminal Code of Canada* (1985) (hereafter referred to as the *CC*), which is applicable across Canada. Under the *Constitution Act* of 1867, however, provinces and territories are authorized to pass laws pertaining to property within the confines of each province or territory.⁶⁰ In Canada, animals are viewed as property in the eyes of the law;⁶¹ therefore, each of the provinces and territories is able to develop its own set of animal protection laws.⁶² These laws can vary widely from one another.⁶³

2.1 Prohibitions Against Pet Abandonment

According to section 445 (1a) of the *CC*: “Everyone commits an offence who wilfully causes or, being the owner, wilfully permits to be caused unnecessary pain, suffering, or injury to an animal or bird.” Section 446 (1b) states: “Everyone commits an offence who, being the owner or the person having the custody or control of a domestic animal... abandons it in distress or wilfully neglects or fails to provide suitable and adequate food, water, shelter and care for it.” In other words, it is illegal in Canada for a pet owner to intentionally abandon a pet outside because in doing so, the owner is inherently neglecting to sufficiently provide the pet with basic needs

⁵⁸ Helen Pike, ‘Rabbit Hemorrhagic Disease in Canmore Prompts Worry for Pikas, Wild Hares’ *CBC News* (Calgary, 14 January 2023) <https://www.cbc.ca/news/canada/calgary/canmore-banff-national-park-rhd-rabbit-hemorrhagic-disease-wildlife-1.6711847> accessed 30 March 2023

⁵⁹ *Ibid.*

⁶⁰ David Fraser, Katherine E. Koralesky, and Geoff Urton, ‘Toward a Harmonized Approach to Animal Welfare Law in Canada’ (2018) 59(3) *Canadian Veterinary Journal* 293 <https://www.ncbi-nlm-nih.gov/login.ezproxy.library.ualberta.ca/pmc/articles/PMC5819020>

⁶¹ Lesli Bisgould, *Animals and the Law* (Irwin Law, 2011)

⁶² Fraser et al., 2018 (n 60)

⁶³ *Ibid.*

and is unnecessarily subjecting them to potential suffering and injury. Notably, however, convictions under this *CC* provision have typically been limited to cases where harm has been motivated by “pointless sadism or spite... excessive anger... or by sheer pleasure in seeing an animal suffer.”⁶⁴

While the *CC* provides this overarching, nationwide prohibition against pet abandonment, laws in the provinces and territories of Canada also pertain to this issue. British Columbia’s *Prevention of Cruelty to Animals Act (1996)* is among the more comprehensive sets of provincial animal protection laws. Section 9.1 of the *Act* states that “a person responsible for an animal must care for the animal, including protecting the animal from circumstances that are likely to cause the animal to be in distress” and that “a person responsible for an animal must not cause or permit the animal to be, or continue to be, in distress.” Sections 2.1 of Alberta’s *Animal Protection Act (2000)*, 3(1) of Saskatchewan’s *Animal Protection Act (2018)*, 2(1) of Manitoba’s *Animal Care Act (1996)* and 3 of Prince Edward Island’s *Animal Welfare Act (1988)* each similarly assert that a pet owner must provide sufficient food, water, veterinary care, shelter, ventilation, and space, as well as protection from extreme temperatures.

Like British Columbia’s *Prevention of Cruelty to Animals Act (1996)*, many other provincial laws impose responsibilities on animal owners to prevent distress to the animal. For instance, Ontario’s *Provincial Animal Welfare Services Act (2019)*, section 1(1), defines distress as a state of needing “proper care, water, food or shelter,” being “injured, sick, in pain or suffering,” or being “abused or subject to undue physical or psychological hardship, privation or neglect.” Section 15 prohibits people from causing an animal to be in distress, including from “knowingly or recklessly [causing] an animal to be exposed to an undue risk of distress.” Newfoundland and Labrador’s *Animal Health and Protection Act (2010)* uses a near-identical definition of distress in section 2, subsequently stating in section 18 that “an owner of an animal shall not permit the animal to be in distress.” Nova Scotia’s *Animal Protection Act (2018)* also views pet abandonment through the lens of gauging distress. Section 26 prohibits people from causing an animal to be in distress, and section 29 clarifies that “an animal is deemed to be in distress if it is abandoned by its custodian in a manner that is likely to cause distress.”

⁶⁴ Katie Sykes, ‘Rethinking the Application of Canadian Criminal Law to Factory Farming’ in Katie Sykes, Vaughan Black, and Peter J. Sankoff (eds), *Canadian Perspectives on Animals and the Law* (Irwin Law 2015, 33-56)

Evidently, many provincial legislations pertaining to animal welfare do not specifically prohibit abandonment itself; instead, they prohibit causing or allowing certain states of being in an animal that would be highly likely to occur if an animal was abandoned, making pet abandonment indirectly illegal by focusing on its anticipated negative consequences. For example, if failing to provide adequate food, water and shelter to a pet rabbit is illegal, an owner who abandons a pet will no longer be providing these necessities and will therefore be committing an offence. Where provincial legislations do mention pet abandonment specifically, they typically only do so in the context of what happens to an animal after they have been abandoned, or what constitutes an abandoned animal. For instance, section 10 of Manitoba's *Animal Care Act (1996)* stipulates that if an animal protection officer finds an animal that can be reasonably considered as abandoned, the province can take custody of the animal to administer necessary care.

There are also some provincial laws that directly address animal abandonment. For example, section 17.1 of New Brunswick's *Society for the Prevention of Cruelty to Animals Act (2014)* states that "a person who has ownership, possession or care and control of an animal shall not abandon the animal." Moreover, in section 19, it asserts that a person responsible for an animal must "provide the animal with food, water, shelter, and care." The Yukon's *Animal Protection and Control Act (2022)* also specifically prohibits pet abandonment, stating in section 35 that "the owner of an animal must not abandon that animal." Section 30 of this statute mandates specific responsibilities of animal owners, including providing adequate food, water, shelter, ventilation, veterinary care, opportunities for exercise and socialization, and protection from extreme temperatures and predators.

The Northwest Territories, Nunavut, and Quebec have noticeably less robust animal protection laws compared to the other provinces and territories. The most relevant legislation in the Northwest Territories is the *Dog Act (1998)*, which has also been adopted in Nunavut. In both jurisdictions, the *Dog Act* speaks only about the treatment of dogs. Quebec's *Animal Health Protection Act (1964)* makes no mention of domestic pet abandonment, focusing primarily on livestock instead.

2.2 Penalties for Pet Abandonment

Penalties for abandoning or neglecting an animal vary between the federal and provincial statutes. Federally, under section 445.1(2) of the *CC*, an animal owner who wilfully allows their animal to be subjected to unnecessary pain, suffering or injury is liable either to “imprisonment for a term of not more than five years” or “a fine of not more than \$10 000, or to imprisonment for a term of not more than two years less a day, or to both.” Under section 446(2) of the *CC*, an animal owner who wilfully neglects or abandons their animal in distress is guilty of “an indictable offence and liable to imprisonment for a term of not more than two years,” or “an offence punishable on summary conviction.”

Provincial animal protection laws commonly provide for penalties consisting of a monetary fine and/or a relatively short prison sentence. For example, section 24.1 of British Columbia’s *Prevention of Cruelty to Animals Act* states that anyone who violates the *Act* is “liable on conviction to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding two years, or both.” In Alberta, section 12 of the *Animal Protection Act* provides that an offender is liable to a maximum fine of \$20 000 and may have their animal removed from their custody.

Some provincial statutes distinguish between first-time and repeat offenders in their penalties. For example, this is the case with Manitoba’s *Animal Care Act*, Ontario’s *Provincial Animal Welfare Services Act*, and the Yukon’s *Animal Protection and Control Act*. In Manitoba, according to section 34 of the *Act*, first-time offenders may receive a maximum fine of \$10 000 and/or imprisonment of not more than 6 months, while repeat offenders face a fine of up to \$20 000 and/or imprisonment of not more than one year. In Ontario, under section 49 of the *Act*, a first-time offender found to be causing or permitting their animal to be in distress is liable to a fine of up to \$130 000 and/or imprisonment for up to two years; and repeat-offenders are liable to a fine of up to \$260 000 and/or imprisonment for up to two years. In the Yukon, under section 60 of *the Act*, first-time offenders are liable to a fine of up to \$75 000 and/or imprisonment for up to 6 months, while repeat offenders face a maximum fine of \$125 000 and/or imprisonment of up to one year.

3.0 Why Does Rabbit Abandonment Continue to be a Problem?

Although pet abandonment is illegal in Canada at both the federal and provincial levels, and despite the fact that rabbit abandonment is an apparently persistent problem across the country with visible consequences, there appear to be no reported cases of someone being convicted for abandoning a pet rabbit in Canada. Why not? The answer lies in the structure and application of Canada's animal protection laws, the prevailing societal perspectives on rabbits, and how these factors intertwine. In particular, current laws do not effectively address the problem because, in substance and in application, they reflect popular misunderstandings about the needs and the plight of domestic rabbits.

3.1 Shortcomings in the Current Law and its Application

A major hindrance in enforcing animal protection laws for abandoned rabbits – and for mistreated animals in general – is that animals are viewed as property in the eyes of the law, making it difficult to seek justice for animals as sentient beings. The *CC* and provincial legislation across Canada are designed to serve people; as a result, even provisions regarding animal cruelty are founded on the premise that animals are the property of people, and that animals should therefore not be harmed by a third party because it would be an offence against the animal owner, not necessarily against the animal themselves.⁶⁵ While the ability of animals to suffer is also acknowledged as a reason for preventing unnecessary cruelty from being inflicted upon them, this notion is secondary to their status as property when it comes to enforcing animal protection laws.⁶⁶ This hierarchy of legislative policy priorities is evidenced by the fact that animal protection laws are categorized under property offences in the *CC* and in provincial statutes. In cases of rabbit abandonment, then, it is especially difficult to seek justice because the rabbit owner is typically the person committing the offense, as opposed to a third party committing an offense against the rabbit owner. In other words, the only victim is the rabbit, who is primarily seen as property. Since property cannot have rights against its owner, it is extremely difficult to prosecute people for rabbit abandonment.⁶⁷ Further, guidelines for Canadian prosecutors provide that a prosecution should not be undertaken unless there is “a reasonable

⁶⁵ Victoria V. Shroff, *Canadian Animal Law* (LexisNexis 2021)

⁶⁶ *Ibid.*

⁶⁷ Bisgould, 2011 (n 61)

prospect of conviction.”⁶⁸ Therefore, since it is difficult to prosecute for rabbit abandonment, charges may be less likely to be pursued in the first place.

Moreover, since laws are intended to protect human interests instead of animal interests, the evidentiary threshold that must be met to convict someone on animal cruelty charges in Canada is unreasonably high, such that only especially egregious instances of animal cruelty tend to be met with meaningful legal action.⁶⁹ In order for an illegal action to be deemed a criminal offence in Canada, both *actus reus* and *mens rea* need to be proven.⁷⁰ *Actus reus* refers to the action itself having occurred, while *mens rea* refers to the mental component, or the intentionality behind the crime.⁷¹ In the context of abandonment, *actus reus* may be difficult to demonstrate due to lack of witnesses. Further, when it comes to offences against animals in Canada, *mens rea* is typically evaluated as “willfulness,” which section 429(1) of the *CC* defines as follows:

Every one who causes the occurrence of an event by doing an act or by omitting to do an act that it is his duty to do, knowing that the act or omission will probably cause the occurrence of the event and being reckless whether the event occurs or not, shall be deemed... wilfully to have caused the occurrence of the event.

This definition is extremely broad, providing no clear standard for the owner’s culpability. This lack of a clear standard makes it challenging to prove that someone acted wilfully in harming their animal, and, subsequently, to successfully prosecute people for animal neglect or abandonment.⁷² This definition also opens the door for people who abandon their pets to defend themselves with a claim of ignorance about the harm they were inflicting. Similarly, people can also use a “colour of right” defense in Canada to justify their actions toward their animals, meaning they can argue that they acted with an honest belief that what they were doing was morally correct.⁷³ Since rabbits are already subject to widespread public misconceptions

⁶⁸ ‘2.3 Decision to Prosecute’ (Public Prosecution Service of Canada 2023). https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p2/ch03.html#section_4 accessed 9 May 2024.

⁶⁹ Bisgould, 2011 (n 61); Shroff, 2021 (n 65)

⁷⁰ Shroff, 2021 (n 65)

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

about their needs and behaviours, these defenses are especially problematic when it comes to seeking a conviction for rabbit abandonment. It is easy for people to claim that they simply did not know that dumping their rabbit outside would cause harm or distress to the animal or to claim that they genuinely believed they were being kind by setting their rabbit free. Given the popular and widespread misconceptions about domestic rabbit needs, in many cases these claims may be accurate.

Further, the *CC* and provincial animal protection legislation prohibit “unnecessary cruelty” to animals, without clearly defining what this term means. Therefore, when courts are deciding whether someone has committed an offence against an animal, the cruelty of the action is weighed against its perceived benefits and consequences, rather than being balanced against the interest of the animal in not being harmed. In the case of rabbit abandonment, then, since an abandoned rabbit is unlikely to live long enough to cause any visible consequence other than their individual loss of life, and since a person who abandons their rabbit has the chance to defend their actions as purposeful, it is extremely unlikely that a person will face meaningful legal consequences for abandoning the rabbit. As summarized by Bisgould (2011): “So long as causing the animal to suffer is not the only object of the act, the fact that they suffer as a result becomes almost entirely irrelevant” in the eyes of the law.⁷⁴

The evidentiary threshold required to pursue legal action on the grounds of animal cruelty also tends to change depending on the perceived value of the animal that has been harmed. In other words, different types of animals receive different treatment from the law depending on how they are valued by society at large.⁷⁵ For instance, highly valued animals that people tend to feel a greater connection with, such as dogs and cats, are more likely to be protected by the law than animals who are naturally more distant from people, such as skunks or chickens, even if the same offence is committed to each animal.⁷⁶ As pets, therefore, domestic rabbits should in theory receive higher protection from the law. However, as discussed in subsection 3.2, domestic rabbits are also commodified in several industries (such as fur or food) outside of the pet industry, which lowers their perceived value and subsequently, the level of protection they receive from the law. Ultimately, in order for animals to receive justice for harms inflicted upon

⁷⁴ Bisgould, 2011 (n 61) (279)

⁷⁵ Shroff, 2021 (n 65)

⁷⁶ *Ibid.*

them – including in the case of rabbit abandonment – current animal protection laws in Canada would have to be interpreted generously by both prosecutors and courts.⁷⁷

Another glaring shortcoming in the application of Canada’s animal protection laws regarding rabbit abandonment is the lack of visible enforcement. In Canada, criminal cases are typically only reported if they go to trial. Since we know that domestic rabbits are frequently being abandoned, the absence of reported cases of rabbit abandonment suggests that either: 1) people are not being charged for rabbit abandonment; or 2) if people *are* being charged, they simply plead guilty without going to trial, likely paying a small fine as a penalty. If people are not being charged, then there is a problem with the enforcement of the law. If people are being charged but are not going to trial, then the legal consequences for abandoning a rabbit are not being made visible to the public. In either case, the law does not provide an effective deterrent for others who are contemplating abandoning their rabbits. If people are led to believe that nobody is being charged for dumping their rabbits outside, they may conclude that it is acceptable for them to do the same without risking any personal repercussions.

Also contributing to the problem of enforcement is the disconnect and difference in standards between federal and provincial laws. As demonstrated in subsection 2.2, there is significant variation between provincial, territorial, and federal animal protection laws in terms of how they define, prohibit, and penalize animal cruelty. As a result, when taken together, Canada’s array of animal protection laws does not present as a robust, uniform set of rules clearly guiding the behaviour of citizens. Instead, they merely form a “patchwork of laws” that sends mixed messages to the public about the value of animals and how they ought to be treated.⁷⁸ If it is acceptable to dump a rabbit outside in certain jurisdictions, but is illegal in others, how can people be sure that it is truly immoral to do so? Similarly, if some jurisdictions consider pet abandonment to be more “wrong” than others do, as measured by the penalties they impose, how can people confidently gauge how severe pet abandonment is as a crime? It may even be difficult for people to decipher what constitutes pet abandonment given the variety of definitions utilized in legislation across the country. Such inconsistency also provides potential loopholes for people mistreating their animals.⁷⁹ For instance, if someone from a town in

⁷⁷ Ibid.

⁷⁸ Fraser et al., 2018 (n 60)

⁷⁹ Shroff, 2021 (n 65)

northern Alberta has a pet rabbit they no longer want, they would, in theory, risk facing legal consequences for abandoning the rabbit in Alberta. To avoid this risk, however, the person can simply drive across the border into the Northwest Territories to dump the rabbit, where there are no laws protecting rabbits from abandonment.

In summary, although animal protection laws may be well-intentioned – including those pertaining specifically to pet animal abandonment – the contradiction between what the laws say on paper and how they are enforced in reality, coupled with their inconsistency across the country, seriously undermines their effectiveness. In other words, despite it being widely accepted and reflected in the law that animals should not be subjected to inhumane treatment or suffering at the hands of people, abandoned domestic rabbits are subjected to such actions with little effective protection from the law.⁸⁰

3.2 Societal Perceptions of Domestic Rabbits

Domestic rabbits are unique in that they famously exist outside of the pet sphere. In addition to being familiar pets, they are also regularly used as lab test animals, farmed for meat, used for fur fashion, and are commonly viewed as pests.⁸¹ Unsurprisingly, these contrasting roles have left people unsure of how to mentally categorize rabbits. On one hand, rabbits tend to not be as revered as our beloved cats and dogs and are often dismissively and incorrectly categorized as rodents; after all, in certain contexts, they can be seen as pests, dinner, or the trim on a winter coat. On the other hand, because they are also commodified as pets, rabbits frequently face great expectations from their owners to provide the same type of companionship and entertainment value that an outgoing pet like a dog would, leaving their owners disappointed when their rabbit acts like a rabbit instead of a dog.

This lack of a clear mental category for rabbits breeds several misconceptions that perpetuate their mistreatment. For instance, according to Haviva Porter, one of the biggest misconceptions about rabbits as small pets is that they can be kept in a small cage and do not require much attention from their owners.⁸² In reality, rabbits are highly social and active

⁸⁰ Gary L. Francione, *Animals, Property, and the Law* (Temple University Press 1995)

⁸¹ Shroff, 2020 (n 2)

⁸² Haviva Porter as cited in Lee, 2023 (n 16)

creatures, and therefore require ample opportunity for social interaction and adequate space to engage in their natural behaviours.⁸³ By keeping a rabbit isolated in a small cage where they cannot engage in natural behaviours or showcase their personality, owners may create a feedback loop that perpetuates incorrect perceptions and improper treatment of their rabbit. In other words, if a rabbit is kept in a small cage all day and is deprived of social interaction and opportunities to engage in natural behaviours, they are likely to become depressed and subsequently inactive.⁸⁴ However, the rabbit's owners may perceive this inactivity as normal.⁸⁵ Not only does this perception seemingly justify continuing to isolate the rabbit in a small space, it also fosters misconceptions about rabbits as boring, difficult-to-interact-with pets who lack personality. In reality, when given the proper space and enrichment, rabbits will groom, jump, run, play, explore, form bonds and showcase their individuality.⁸⁶

Another common misconception about rabbits is their lifespan.⁸⁷ Since they are small pets, many new owners think they are only signing up for a commitment of only a few years when they bring home a baby bunny. In reality, with proper treatment, pet rabbits can live for more than ten years.⁸⁸ Additionally, as prey animals, rabbits interact with their owners differently than pets who descend from predators, such as dogs. They typically require patience and gentle interactions in order to form a bond, and they tend to play independently from their owners, such as by running laps around the room or jumping and twisting in the air.⁸⁹ Once owners – especially children – realize their rabbit will not interact with them in the way they expected, they are prone to becoming bored with or disappointed in the rabbit, potentially contributing to neglect or abandonment.⁹⁰

Perceived behavioural problems are also a leading contributor to the abandonment and neglect of rabbits.⁹¹ However, many of these apparent behavioural problems reflect the rabbit's natural behaviours and needs not being adequately met.⁹² For instance, domestic rabbits have an

⁸³ Buseth and Saunders, 2015 (n 2)

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Susan E. Davis and Margo DeMello, *Stories Rabbits Tell* (Lantern Books, 2003)

⁸⁷ Joaquin as cited in Martins and Crawford, 2022 (n 10)

⁸⁸ Ibid.

⁸⁹ Buseth and Saunders, 2015 (n 2)

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

innate need to chew on things, and must do so in order to wear down their teeth. If they are not provided with opportunities to express this behaviour in an appropriate way, such as with chew toys, they will end up expressing it in undesirable ways, such as by chewing on baseboards, furniture, wires, or other household objects. Therefore, if an owner does not understand their rabbit's need to chew, and does not provide them with appropriate things to chew on as a result, the rabbit can quickly become seen as troublesome and no longer worth the effort of ownership.

Such misconceptions about rabbits become especially evident around Easter each year, where there is a pattern of parents buying their children a pet rabbit as a novelty gift only to surrender or abandon the rabbit shortly after.⁹³ Further, Easter rabbits are typically purchased impulsively, meaning their owners seldom have adequate knowledge about the responsibilities associated with rabbit ownership and how to properly care for the rabbit.⁹⁴ Once the rabbits become sick or develop behavioural problems as a result of improper treatment, or once the novelty of the new pet wears off and the magnitude of responsibility they require is realized, many of these parents will simply abandon the rabbit outside or return them to a shelter.⁹⁵ As a result, rabbit shelters face a surge of surrenders and rescue efforts in the months following Easter.⁹⁶

⁹³ Shannon Nickerson, '4 Reasons to Never Buy a Bunny as an Easter Gift' (Animal Justice, 5 April 2023) <https://animaljustice.ca/blog/four-reasons-to-never-buy-a-bunny-as-an-easter-gift> accessed on 30 April 2023; Rabbit Rescue Inc., 2023 (n 40)

⁹⁴ Davis and DeMello, 2003 (n 86); Shroff 2020, (n 2)

⁹⁵ Davis and DeMello, 2003 (n 86); Nickerson, 2023 (n 93)

⁹⁶ Rabbit Rescue Inc., 2023 (n 40)



Fig. 4: Prince, a domestic rabbit, with an array of chew toys (Courtesy of Jane Billingsley, 2021).

There are also varying portrayals of rabbits in the media that confuse our perception of them in reality. For instance, rabbits are highly commercialized in that they are often used as mascots in advertising for products unrelated to rabbit care. Cadbury Chocolates, for instance, has been famously using rabbits in its Easter advertising campaigns for decades, using both real rabbits and anthropomorphic (human-like) depictions of them. Other companies that advertise in Canada, such as Blue Bunny Ice Cream and Telus, often feature rabbits (as well as other animals, in the case of Telus) in their commercials. Seeing rabbits in this highly commercialized light – especially if these advertisements are the only exposure people have to rabbits – promotes the idea that rabbits are passive commodities that can be bought and disposed of once boredom or responsibility sets in, instead of as living beings with emotions and needs and who are deserving of commitment from their owners. On the other hand, this idea is likewise perpetuated by the notable absence of rabbits in other advertising spaces. For instance, there is very little mainstream advertising for rabbit-related pet products as compared to advertisements for cat or

dog products, despite the growing popularity of rabbits as pets.⁹⁷ This lack of advertising about rabbit-related products also leaves people uninformed about rabbit needs, which may also contribute to the misconceptions plaguing rabbits as pets that contribute to their mistreatment and abandonment.

In other types of media, there are countless examples of rabbits being portrayed as child-like or as characters intended for child audiences. One of the most famous examples of such a portrayal is Beatrix Potter's character Peter Rabbit, who has become iconic in both literature and film. Peter Rabbit is consistently depicted as a rebellious young rabbit happily living outside with his family, constantly getting into rascally adventures and stealing food from gardens.⁹⁸ Another iconic rabbit is Warner Brothers' cartoon Bugs Bunny, a curious, quick-witted trickster who is always able to get himself out of a bind.⁹⁹ In Disney's *Bambi* (1942), the character of Thumper is a frolicking caricature of a rabbit living in the woods with his friends, appealing to audiences with his buck teeth, round body, fluffy tail, and child-like innocence.¹⁰⁰ Even though such portrayals of rabbits are obviously cartoonish and anthropomorphic, taken in accumulation they can shape how people view rabbits and can muddle the lines between "abandoning" and "freeing" a pet rabbit; that is, people may "release" their domestic rabbit outside under the impression that the rabbit will thrive and enjoy its newfound freedom like so many beloved rabbit characters, when in reality, the rabbit cannot provide for themselves and is likely to experience great suffering, distress, and an untimely death as a result.¹⁰¹ Ultimately, these highly commercialized and common cartoonish depictions of rabbits likely contribute to their reputation as being "passive" and "childish," both of which inhibit them from being acknowledged as "worthy" animals in the eyes of many humans.¹⁰²

Additionally, the association of rabbits with children or childish interests often leads people to incorrectly believe that rabbits are ideal pets for young children. In reality, young children and rabbits are usually highly incompatible. The loud noises and sudden movements often made by young children, plus their lack of a gentle touch, are likely to frighten a rabbit; the rabbit may even become aggressive as they feel the need to defend themselves against these

⁹⁷ DeMello, 2016 (n 39)

⁹⁸ Davis and DeMello, 2003 (n 86)

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Shroff, 2020 (n 2)

¹⁰² Davis and DeMello, 2003 (n 86)

perceived threats.¹⁰³ Young children also tend to lack patience, and rabbits are not a pet that provides the instant gratification children typically desire. As prey animals, rabbits are generally not outgoing and do not like being handled or grabbed at, especially by strangers that have yet to earn their trust. As a result of these incompatibilities, young children are likely to have a difficult time bonding and interacting with their rabbit, making the rabbit a greater source of frustration than companionship and potentially leading to the rabbit being abandoned or surrendered.

In short, domestic rabbits are a highly misunderstood animal with their reputation caught at the intersection of countless different industries and media depictions. It is unsurprising, then, that society is unsure of the value it should place on domestic rabbits and that people are often misinformed about the realities of rabbit ownership and companionship.

4.0 Recommendations

The way the law treats rabbits and how society tends to view them are not isolated from each other. Instead, as is naturally the case, the law and its application inform societal perspectives, just as societal perspectives inform the law and its application. In other words, if the application of the law signals to the public that rabbit abandonment is not a concern that is taken seriously, the public is unlikely to place value on the proper treatment of rabbits, which, in turn, allows the law to continue being applied in a lax manner. Further, no matter how strictly a law against rabbit abandonment is drafted, the strength of its implementation depends on the willingness of prosecutors to take the offence seriously. Therefore, in order to effectively address the problem of rabbit abandonment, it is necessary to first educate society about the need to protect domestic rabbits.

As discussed in detail below, educational initiatives external to the law are imperative for reshaping societal views on domestic and feral rabbits. First, increased public understanding of the needs of domestic rabbits will improve treatment of them and mitigate the problem of rabbit abandonment. Second, increased public awareness of the problem is necessary in order to support legislative reform and improved application of the law.

¹⁰³ Buseth and Saunders, 2015 (n 2)

4.1 Changing Societal Perspectives on Rabbits

Having more educational materials about rabbits readily available to the public would reduce misconceptions about them, potentially reducing abandonment due to ignorance.¹⁰⁴ Similarly, better educating people about the legal status of animals and the potential legal consequences for abandoning their rabbit may reduce the frequency of abandonment. Shelters/sellers should ensure that people are thoroughly informed about rabbit care and animal protection laws before they are allowed to adopt/purchase a rabbit, such as by offering information packages or by delaying sales with a short grace period to avoid people buying a rabbit on a whim.

Shroff emphasizes the particular importance of educating children about animal law principles to instill animal empathy at a young age. She created a program called Paws of Empathy, where she brings dogs into schools and speaks to children about animal law and animal empathy.¹⁰⁵ There are also rabbit-specific outreach programs, which are usually put on by local rabbit rescues. Rabbitats Rescue, for example, offers a “Meet & Treat,” where they bring a few rabbits in their care to spend an hour at a school, senior’s home, community centre, or workplace, among other events. There, people are able to gently interact with and learn about the rabbits.¹⁰⁶ Since rabbits are quiet, generally timid animals who do not immediately connect with people, increasing community outreach efforts such as these are crucial in drawing public attention to rabbits and the welfare concerns they face.

Further, because they are quiet, timid, and require time to bond with people, rabbits lack the inherent visibility enjoyed by cats and dogs, who are generally more confident and are quicker to form bonds with people. Because they are so often overlooked, rabbits have not been granted the same specialized distinctions and status as cats and dogs. Instead, they are typically thought of as rodents, who are seldom viewed favorably by the public.¹⁰⁷ In reality, rabbits are lagomorphs, not rodents, meaning that they *do* have their own specialized distinction; it is simply rarely recognized.¹⁰⁸ By teaching the public that rabbits are a unique species with their own

¹⁰⁴ R.A. Ledger, ‘The Relinquishment of Rabbits to Rescue Shelters in Canada’ (2010) 5(1) Journal of Veterinary Behaviour: Clinical Applications and Research, 36

¹⁰⁵ Shroff, 2021 (n 65)

¹⁰⁶ ‘Meet & Treats at Rabbitats’ (Rabbitats 2023). <https://rabbitats.org/events/> accessed 31 August 2023.

¹⁰⁷ Buseth and Saunders, 2015 (n 2)

¹⁰⁸ Ibid.

“category,” just like dogs and cats, rabbit status and value may be elevated to that of their canine and feline counterparts. For instance, rabbit supplies in Canadian pet stores are typically mixed in with rodent supplies, while cat and dog supplies usually have their own aisles or sections. If rabbit supplies were given their own dedicated section, it would appropriately signal to shoppers that there is something unique about their needs and minimize confusion between rodent care and rabbit care. On the contrary, if people see small cages intended for rodents right next to supplies intended for rabbits, it is easy for them to assume the cage is appropriate for rabbits as well. Additionally, a dedicated section for rabbits in pet stores would visually demonstrate to people the magnitude of care, supplies, and expenses involved in rabbit ownership. While granting rabbits their own section in pet stores may not seem monumental, it is a small step that has potential to incrementally but effectively elevate and re-shape public perceptions of pet rabbits.

By improving public education about rabbits and the penalties people face for mistreating or abandoning them, perspectives on domestic rabbits may shift away from viewing them as disposable commodities and toward viewing them as members of the community with their own self-interests. This notion of embracing domestic animals as members of the community was put forth by Donaldson and Kymlicka, who argue that people have a duty to fairly include domesticated animals in our social and political organizations, given that we domesticated them and put them in a place of reliance on us in the first place.¹⁰⁹ In other words, we owe domestic rabbits a higher standing in society than they currently have. Fostering an improved understanding and a greater sense of public empathy toward domestic rabbits will contribute to granting them this higher standing, which, in turn, has the potential to reduce the problem of rabbit abandonment.

4.2 Changes to the Law

A major factor preventing abandoned rabbits from receiving justice is their categorization as property in the eyes of the law. By defining domestic animals as property, the law inherently promotes an inequality between the interests of people and the interests of their pets.¹¹⁰ Except in

¹⁰⁹ Sue Donaldson and Will Kymlicka, *Zoopolis: a Political Theory of Animal Rights* (Oxford University Press 2011)

¹¹⁰ Shroff, 2021 (n 65)

the most horrific cases of animal abuse, this dynamic allows pets to be mistreated in favor of what is convenient for their owners. Moreover, as long as rabbits are considered property, it is difficult for them to exert rights against their owners in cases of abandonment because there is no perceived victim of the offense under this definition; the rabbit is merely viewed as an object or possession. In other words, rabbits have no legal standing; as animals, they lack the fundamental right to bring a lawsuit against a person.¹¹¹ While this arrangement may seem reasonable given that rabbits obviously have no concept or understanding of human legal systems, they are still living beings capable of being victimized by people, and therefore deserve adequate legal protection.

To remove the legal barriers animals face in receiving justice, Shroff suggests recategorizing animals under a new legal label that more accurately reflects their individual interest in living and personal safety, such as “living beings.”¹¹² Such a progressive legal distinction being embraced by the law would grant rabbits at least some degree of legal standing, where they can be seen as victims of rabbit abandonment and where their perpetrators may face substantial legal consequences. However, as discussed further below, for this approach to be successful, prosecutors would have to buy into this revised perception of domesticated animals; therefore, once again, education about the nature of domestic rabbits is key.

Reclassifying rabbits as living beings instead of as property would also open the door for broader legal reforms. For instance, since provinces and territories are able to make their own laws regarding property, if rabbits no longer fell under the property classification, it would no longer necessarily be the responsibility of provinces and territories to make laws protecting their well-being. As a result, laws pertaining to rabbit abandonment could be standardized under federal legislation, and the variability of animal protection laws would subsequently be minimized. Unifying animal abandonment laws across Canada would help to mitigate the problem of rabbit abandonment, as the consistency would provide a clear, cohesive message to the public that abandoning one’s pet is unequivocally unacceptable.

Increased public understanding of domestic rabbit needs may also support legislative amendments to clearly state that rabbit abandonment is illegal. Instead of making rabbit abandonment illegal in roundabout ways, such as by prohibiting people from causing their rabbit

¹¹¹ *Ibid.*

¹¹² *Ibid.* (47)

distress that is likely to be experienced as a side effect of abandonment, animal protection laws could be revised to simply state in no uncertain terms that it is an offence to abandon a domestic rabbit outside. Moreover, these laws could offer clear and reasonable definitions of key terms, such as “abandonment” or “wilfully,” reducing the possibility for loopholes or alternate interpretations that potentially allow people to avoid facing repercussions.

Another strategy for reducing rabbit abandonment is to ban the sale of rabbits in pet stores, which would improve their standing in the eyes of the public. Banning rabbit sales would signal to the public that rabbits are living beings who require serious care commitment and are not commodities that can simply be produced, bought, sold, and disposed of with little thought. This step has already been taken by a handful of municipalities across the country. For example, Richmond, Vancouver, Surrey, North Vancouver, Delta, Victoria, Kelowna and Coquitlam, all of which are in British Columbia, plus Ottawa and Toronto in Ontario, have all banned the sale of rabbits, cats, and dogs in pet stores.¹¹³ However, given the aforementioned importance of legal consistency, more municipalities need to follow suit in order to send an effective, widespread message to Canadians that rabbits are more than commodities. Better yet, rabbit sales in pet stores could be prohibited nationally by the use of the federal government’s criminal law power.

Another aspect of the law that should be changed to reflect the value of rabbits and other animals is the language used in legislation. Canadian laws typically use terminology that serve to diminish harms inflicted upon animals and to minimize their status as living beings, often treating them as inanimate objects.¹¹⁴ For instance, both federal and provincial legislation across Canada regularly refer to animals as “it” and opt for inherently less controversial words in regard to managing animals, such as “cull,” “euthanize,” or “destroy” as opposed to “kill.” These more socially-comfortable alternatives minimize the weight of human actions inflicted upon individual animals, allowing these actions to be interpreted as inconsequential and therefore easily acceptable. Ultimately, even though the existence of Canada’s animal protection laws in theory promote the humane treatment of animals, the degrading terminology that is typically embedded in these laws paradoxically signals to the public that little value is placed on animals in a practical sense. Changing this terminology – such as referring to animals with proper pronouns,

¹¹³ Shroff, 2020 (n 2)

¹¹⁴ Bisgould, 2011 (n 61); Deckha and Pritchard, 2016 (n 31)

or using face-value verbs to describe human actions toward animals – would indicate to the public that animals are individual, living beings and should be respected as such.¹¹⁵

4.3 Changes to the Application of the Law

At present, animal protection laws in Canada, particularly those relating to pet abandonment, are largely symbolic; while it may say on paper that pet abandonment is wrong and punishable, the way the law is applied in reality says otherwise. Even if there are cases of people pleading guilty and settling without going to trial, since these cases and their consequences are kept from public view, the idea that pet abandonment is not to be taken seriously is still enforced. To reduce the problem of rabbit abandonment, it is crucial for the legal consequences of abandonment to be made visible to the public. Increasing the visibility of cases where charges for rabbit abandonment are laid is another way of educating the public about appropriate rabbit care. Further, by ensuring this visibility, the law can serve as a meaningful deterrent preventing others from abandoning their rabbits.

One way to increase the visibility of the legal consequences of rabbit abandonment is to make the penalties more severe. Even though provincial and federal legislation state that the penalties for pet abandonment can include fines of several thousand dollars and/or prison sentences, these are the maximum parameters. Most people charged with rabbit abandonment are unlikely to face such substantial consequences and may even plead guilty to avoid going to trial. For example, if someone was facing a fine of \$30 000 and a year-long prison sentence for abandoning their rabbit, it would probably be worth it to them to contest the charges in trial because of the significant impact these penalties would have on their life. However, if they are facing a lesser fine and no prison sentence, it is unlikely to be worth the hassle of going to trial. Therefore, if people *are* being charged with rabbit abandonment, enforcing stiffer penalties would force more cases to go to trial, such that these cases would be publicly reported and send a deterrent message. The difficulty, of course, is that this strategy must be balanced against the reality that prosecutors may be unlikely to bring forward cases where the possible penalty is perceived as being incongruent with the seriousness of the offense. Here again, education is

¹¹⁵ Shroff, 2021 (n 65)

needed to impress upon the public and upon prosecutors the fundamental importance of rabbit protection so that an abandonment offence will be taken seriously by everyone involved.

In order for rabbit protection legislation to serve as an effective deterrent, the public also needs to be informed and educated about the consequences of disobeying the law. This may include publishing the identities of offenders and/or publicizing successful prosecutions. For example, Shroff puts forth the idea of animal abuse registries, which would allow rescues, shelters, and law enforcement to keep track of people who have been convicted for abandoning their rabbits.¹¹⁶ A registry would also increase public awareness of the consequences for rabbit abandonment. Since rabbits are often purchased on a whim, or as seasonal Easter pets, having a registry that prevents people who irresponsibly “disposed” of a previous pet rabbit from buying another one would help to mitigate the abandonment that results from such impulse purchasing. A publicly-available registry would also serve as a deterrent for rabbit abandonment, because people would have to knowingly risk their reputation in order to dump their rabbit. Additionally, a national registry would also help to harmonize animal protection laws across Canada, allowing jurisdictions to work together and to present a joint stance on animal cruelty and abandonment.¹¹⁷

At present, Canadian law poses several challenges associated with proving that someone has abandoned their pet: it can be difficult to trace dumped pets to their rightful owners; there is a high evidentiary threshold; and there are numerous legal defenses available to people who dump their pets. Therefore, when there *is* enough evidence to find someone guilty of abandoning their rabbit, it is vital to publicly exemplify these cases as deterrents.

5.0 Conclusion

In summary, the problem of domestic rabbit abandonment in Canada is borne from popular societal misconceptions about the value and needs of domestic rabbits, which, in turn, has resulted in animal protection laws that are not distinctly targeted at rabbit abandonment and/or that are difficult to effectively administer. Accordingly, above all, meaningful improvement to the plight of abandoned domestic rabbits requires educating the public about the

¹¹⁶ Shroff, 2021 (n 65)

¹¹⁷ Shroff, 2021 (n 65)

needs and characteristics of these pets. First, increased public education may result in fewer instances of pet rabbit abandonment. Second, increased public education about domestic rabbits is needed to support legislative changes that reconceive of rabbits as having value other than as personal property. Improved public awareness is also needed to support Canadian law reform to expressly prohibit rabbit abandonment in a way that provides for consistency across the country, and to provide for penalties that serve as meaningful deterrents.

Cases

Cassells v. University of Victoria, 2010 BSCS 1213 (CanLII),
<https://www.canlii.org/en/bc/bcsc/doc/2010/2010bcsc1213/2010bcsc1213.html>

Legislation

Animal Care Act, CCSM, c. A84, enacted by SM 1996, c. 69.

Animal Health and Protection Act, SNL 2010, c. A-9.1.

Animal Health Protection Act, CQLR, c. P-42.

Animal Protection Act, RSA 2000, c. A-41.

Animal Protection Act, SNS 2018, c. 21.

Animal Protection Act, 2018, SS 2018, c. A-21.2.

Animal Protection and Control Act, SY 2022, c. 13.

Animal Welfare Act, RSPEI 1988, c. A-11.2.

Constitution Act, 1867 (U.K.), 30 & 31 Vict., c. 3, reprinted in RSC 1985, App. II, No. 5

Criminal Code of Canada, RSC 1985, c. C-46. <https://laws-lois.justice.gc.ca/eng/acts/c-46/page-57.html#h-123192>

Dog Act, RSNWT 1998, c. D-7.

Dog Act, RSNWT (Nu) 1988, c. D-7.

Prevention of Cruelty to Animals Act, RSBC 1996, c. 372.

Provincial Animal Welfare Services Act, 2019, SO 2019, c. 13.

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