

Managing Questions of Ownership and Ownership Disputes of Companion Animals

Published: February 2018

Revised: July 2022

Introduction

This Policy Statement serves to communicate the College's expectation of a veterinarian to aid in the positive identification of companion animals, including equine, when ownership may be in question.

Regulation 1093 permits a veterinarian to disclose information concerning a client, an animal, or any professional service, without client consent, where it appears that the animal is not owned by the person who has presented it for treatment. This information can be shared in the process of identifying, locating, or notifying the apparent owner of the animal. However, the ability to release this information must also meet federal law provisions found in the *Personal Information Protection and Electronic Documents Act (PIPEDA)*. PIPEDA only allows for disclosure of personal information without knowledge or consent of a client when the disclosure is made to another investigative organization such as the police or animal control.



Definition

Client: Client means, with respect to a veterinarian, the owner of an animal(s) or group of animals that the veterinarian is treating, an authorized representative of the owner, or an individual who the veterinarian reasonably determines is acting in the interest of the animal(s) or group of animals.

Policy

In certain circumstances, such as situations involving stolen, abandoned or stray animals, proper identification of an animal can be challenging. There are a number of organizations that can be involved in determining the proper identification and ownership of an animal, inclusive of humane societies, animal control authorities, microchip providers, the police, the civil court system, and veterinarians, to name a few.

In most circumstances, the person presenting an animal for veterinary care will be an owner or an agent of the owner. When ownership is in question, a veterinarian must use their professional judgment to determine an appropriate process for identification in the circumstances.

Examples include:

- a) **No Claim to Ownership:** In cases of a stray animal, including an animal that is found and brought to a veterinarian with no claim of ownership, the veterinarian should check for a tattoo and scan for a microchip. If a microchip is found, the veterinarian should contact the manufacturer to see if the microchip has been registered. If a tattoo or a microchip is found identifying a different owner than the person presenting the animal, the veterinarian may attempt to contact the apparent owner identified by the tattoo or microchip to determine if they are still the rightful owner and have not surrendered or abandoned the animal, in which case they may suggest keeping the animal at the clinic until the rightful owner claims it. If the veterinarian is not able to determine ownership through the above means, it is appropriate to direct the person presenting the animal to notify the local animal control authority, whether the person presenting the animal indicates that they would like to adopt the animal or not, as animal control has sole authority with respect to stray animals and the adoption of stray animals.
- b) **Questionable Ownership:** If a veterinarian has a suspicion that the person presenting an animal may not be the lawful owner, the veterinarian should ask for evidence of ownership, such as a bill of sale, adoption documents, or microchip forms and/or look for a tattoo and scan for a microchip. If a microchip is found, the veterinarian should contact the



manufacturer to see if the microchip has been registered. If the person presenting the animal is unable to provide evidence of ownership or if a tattoo or microchip is found identifying a different owner, it is appropriate to inquire into how the person came into possession of the animal. If the veterinarian is not satisfied that the animal belongs to the person presenting it and/or if the person presenting the animal refuses to allow the veterinarian to contact the apparent owner, they should contact the local police station or animal control. The disclosure of personal information without the knowledge or consent of a client can only be made to another investigative organization such as the police or animal control as allowed by federal privacy legislation or as otherwise required by law.

Scenario One:

Client A presents an animal they found and wish to keep if it does not have an owner. The veterinarian scans the animal for a microchip which is found. A call to the microchip company reveals that the animal is registered to Owner B. The veterinarian contacts Owner B who indicates they still own the animal and want it back. The veterinarian gets consent from both Owner B and Client A to share their contact information to reunite the animal with its owner.

Scenario Two:

Client A presents an animal they found and wish to keep. The veterinarian scans the animal for a microchip which is found. A call to the microchip company reveals that the animal is registered to Owner B. The veterinarian contacts Owner B who indicates they still own the animal and want it back. The veterinarian asks Client A if they can share their contact information with Owner B so the animal may be reunited. Client A does not give consent to share their contact information with Owner B and states that they intend to keep the animal regardless of it being owned by Owner B. Without consent, the veterinarian can only release Client A's contact information to the police or animal control in order to reunite the animal with its owner as allowed by federal privacy legislation or as otherwise required by law. The veterinarian does not have the authority to seize or keep the animal.

Scenario Three:

Client A presents an animal they found and wish to keep. The veterinarian scans the animal for a microchip which is found. A call to the microchip company reveals that the animal is registered to Owner B. The veterinarian contacts Owner B who indicates they no



longer own the animal and have no idea who does. They do not want the animal back. The veterinarian does not have the ability to transfer the ownership of the animal. The veterinarian advises Client A to contact animal control to determine how to transfer the ownership.

- c) **Relationship Disputes:** In a case where a relationship dispute causes lack of clarity over who rightfully owns an animal, a veterinarian should seek to formally confirm any changes to ownership. Confirmation can be provided in writing or by legal documentation (such as a court order) indicating either that the person in question has relinquished or lost ownership of the animal or has been confirmed as the rightful owner. A copy of the document or notification of same, should be kept in the medical record. A veterinarian should not remove the name of an owner on a file unless they have received consent from the person in question. In situations where an ownership is persistently disputed, clients should be encouraged to resolve the ownership issue between themselves, which may involve the civil court system.

Where a veterinarian believes that ownership of an animal is unclear or where there is a dispute over ownership, they can postpone treatment until evidence of ownership is presented, unless the veterinarian determines that there is an emergency and treatment is necessary to prevent an animal's suffering.

Should a veterinarian have any questions regarding privacy issues in relation to the sharing of client information to resolve an ownership question, it is recommended that they contact the Office of the Privacy Commissioner.



Legislative Authority

R.R.O. 1990, Reg. 1093: General, s. 17(1)(6), 18(3)(a) (*Veterinarians Act*)
The Personal Information Protection and Electronic Documents Act (PIPEDA)

Resources

The following can be found at the College's website at cvo.org:

1. *Professional Practice Standard: Establishing, Maintaining, and Discontinuing a Veterinarian-Client-Patient Relationship (VCPR)*
2. *Guide to the Professional Practice Standard: Establishing, Maintaining, and Discontinuing a Veterinarian-Client-Patient Relationship (VCPR)*

Other Resources

Office of the Privacy Commissioner, <https://www.priv.gc.ca/en/>

College publications contain practice parameters and standards which should be considered by all Ontario veterinarians in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained. The College encourages you to refer to the website (www.cvo.org) to ensure you are referring to the most recent version of any document.