





Blood Tracking Workshop

Blood Tracking and the Law in Ontario

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Wastage of Flesh

Hunters have an obligation to take reasonable steps to ensure that the flesh of game wildlife does not become “spoiled”.

FWCA

36. (1) A hunter or trapper who kills game wildlife other than a furbearing mammal shall not abandon it if its flesh may become unsuitable for human consumption.

Reasonable steps must be taken but all other laws must also be respected.



Primary Concept

Searching for wounded wildlife is hunting by definition under the FWCA

FWCA

1.(1) “hunting” includes,

(a) lying in wait for, **searching for, being on the trail of, pursuing,** chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed

Note: *This definition presumes the wildlife being searched for is alive which must be the default position unless there is reasonable evidence to the contrary.*



Dogs May Be Used to Hunt

In prescribed parts of the province licensed dogs have been a lawful part of **deer, moose and bear** hunting for many years.

O. Reg. 665/98

86. (1) For the purposes of subsection 25 (1) of the Act, a person may use or be accompanied by a dog while hunting **big game** if a **licence has been issued in respect of that dog** and subject to the rules set out in this section.

(2) A person **shall not use** or be accompanied by a dog **when hunting elk**.



Dogs May Now Be Used to Search

In 2013 the hunting rules were amended to allow the use of dogs to search for lawfully wounded **elk, moose and deer** in areas where dogs cannot be used to hunt these game species.

O. Reg. 665/98

86. (4) Despite subsections (2) and (3), in any part of Ontario described in subsection (5), a person may use a dog to search for an elk, moose or deer that has already been lawfully wounded in the hunt if, ...



Criteria for Lawful Search

Dogs can be used to search for lawfully wounded elk, moose and deer in areas where dogs cannot be used to hunt these game species, if the dog is:

- Licensed
- On leash (10m maximum)
- Under physical control of the person



Because Searching is Hunting

Hunting rules apply:

- Everyone participating must be properly licensed (deer, moose, elk)
- Hunting “at night” is not lawful
- Firearms must be lawful for the hunt that is open (rifle hunt, shotgun hunt, bow hunt)
- Hunter orange may be required
- Animal must be sealed when found



Searching is Hunting ...

Hunting rules apply:

- It may not be lawful to continue the search if the wounded animal moves into another WMU
- It will not be lawful to continue to search if the season closes before the animal is found
- Searching does not provide any special authority to enter private property – *Trespass to Property Act* applies



Hunting For Hire

Hunting (searching) for game wildlife may not be done for “gain” and a person may not offer to have another person hunt for gain.

FWCA

- 11. (1)** Except with the authorization of the Minister, a person shall not,
- (a) hunt for hire, gain or the expectation of gain;
 - (b) hire, employ or induce another person to hunt for gain;

Note. *There is an exception for protection of property situations*



Further Discussions ...

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References to Statute Law

- *Fish and Wildlife Conservation Act, 1997*
- Ontario Regulation 665/98 (Hunting)
- *Trespass to Property Act*