

1<sup>st</sup> AFFIDAVIT OF T.F. SMITH  
SWORN AUGUST 14, 2010

No. 105400

Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

ROSLYN CASSELLS

PETITIONER

AND

THE UNIVERSITY OF VICTORIA

RESPONDENT

**AFFIDAVIT #1 OF THOMAS F. SMITH**

I, THOMAS F. SMITH, Executive Director, Facilities Management, of the Saunders Building, Stn CSC, in the Municipality of Saanich, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Executive Director of Facilities Management at the University of Victoria ("UVic") and as such I have personal knowledge of the matters hereinafter deposed to, save and except where the same are stated to be based on information and/or belief, and to such matters, I verily believe them to be true.
2. I have been an Executive Director of Facilities Management for UVic continuously since November 20, 2008. Since approximately March, 2010, I have been personally responsible for managing UVic's response to an increasingly problematic overpopulation of non-indigenous rabbits at UVic's Gordon Head Campus.
3. UVic is the owner of its campus lands. I attach hereto as Exhibit "A" a copy of a land title search in respect of the campus lands which are discussed in this affidavit and to which the Management Plan referred to below will apply.

**Background**

4. The problem of overpopulation was first addressed by UVic late in 2007 when it began gathering information about the rabbits and the damage that was beginning to be observed resulting from the rabbits.

5. Over the years, UVic has considered a variety of options for responding to the overpopulation problem, including programs to sterilize, vasectomise, relocate, and put down portions of the feral rabbit population. I discuss many of these programs below.

6. UVic's first official response to the problem was the initiation of a public awareness campaign launched in or about September 2008. Attached hereto as **Exhibit "B"** is UVic's media release concerning the public awareness campaign. For further and fuller information on the background of the feral rabbit problem, I attach hereto as **Exhibit "C"**, "Feral Rabbits at UVic: Backgrounder" media release. The information contained in it is true and correct.

7. I have reviewed the allegations made by the Plaintiff in her affidavit. There are many substantial untruths contained in it. However, I will not respond to all of them. My choice not to respond to them all is not to be taken as any agreement with any allegations I do not address.

8. In response to paragraph 7 of the Plaintiff's affidavit, I am aware Dr. Nick Shaw made the offer attached hereto as **Exhibit "D"** to remove some rabbits from campus to test the feasibility of performing vasectomies. I do not know if he ever did so, but do not believe he has ever had the required permits to trap or possess rabbits from the UVic campus. If he did perform any tests, so far as I am aware he did not report to UVic on the effectiveness of his research. In 2009, Dr. Shaw made the same offer via the media and via email, to vasectomise the male portion of the feral rabbit population. UVic met with Dr. Shaw to discuss his proposal. He is now willing only to vasectomise rabbits with a guarantee that they would not be culled, a commitment to which UVic was unable to agree, at least until it has reduced the rabbit population significantly and established a permanent rabbit control zone on campus.

9. In 2010, UVic has conducted some research involving actual culling of the feral rabbit population, including a limited number of rabbits being put down. In response to paragraph 8 of the Plaintiff's affidavit, UVic trapped 104 rabbits during May 2010, of which 26 were adults, half male and half female, 14 were juveniles, and 64 were nestlings, most beyond nursing. Contrary to paragraph 8 of the Plaintiff's affidavit, there were not 75% pregnant females. Moreover, in further response to paragraph 8 of the Plaintiff's affidavit, UVic provided and continues to provide accurate information about the number of rabbits it has culled.

10. It is true that UVic has subcontracted to Victoria Pest Control ("VPC") to address UVic's problems with rats. It is true that VPC uses bromadiolone. However, in response to paragraph 6 of the Plaintiff's affidavit, VPC does not use bromadiolone in open-ended PVC tubing and the Ministry of the Environment is aware of VPC's practices at UVic and has not challenged these practices. The Ministry of the Environment itself has been clear about its stance on UVic's practices, as is made clear in a letter to Larry Wartel, activist, from Don Cadden, Regional Manager, Environment Stewardship and Parks and Protected Areas Divisions, a copy of which was provided to UVic by the Ministry of the Environment. A copy of the letter is attached hereto as **Exhibit "E"**.

11. VPC uses specially designed traps intended solely for rats. They are small, made of moulded, black plastic, and are closed boxes with 2" x 2.25" apertures to permit entry not to rabbits but to rats. Only the smallest newborn rabbit could attempt to enter it. The rats must enter the box, travel into it, make a 90 degree turn and enter a deeper chamber, and then chew through a plastic bag to consume some amount of bromadiolone in the form of a blue powder mixed with ground grain contained by the bag which is of no nutritional value and no interest to rabbits even if they could fit inside the traps. Rabbits are not known to feed on grain based products, but rather on vegetative materials such as grasses, carrots, apples, kale, etc.

12. UVic has used this method of rat control for approximately 15 years.

13. The rat traps are carefully placed according to trapping regulations within a certain distance from buildings to target rats alone. Any of VPC's traps that have been

found elsewhere have been moved by agents other than those under the control of VPC or UVic.

14. In further response to paragraph 6 of the Plaintiff's affidavit, rabbits die regularly in the absence of poison: UVic staff frequently find dead rabbits and witness attacks on young rabbits by adult rabbits, hawks, owls, and osprey. In the Spring of 2010 UVic removed all bait from the bait stations for a six-week period, yet continued to find dead rabbits at the same frequency as when the rat traps were actually baited. UVic recognizes the illegality of poisoning wildlife and has been dealing with control of rats and rabbits according to strict adherence to the law. UVic does not endorse a program for responding to the feral rabbit overpopulation that involves poisoning them.

15. In response to paragraph 3 of the Plaintiff's affidavit, UVic has corresponded with other municipalities that have dealt with similar problems. Kelowna's response to its overpopulation was actually a two-step process. The first step involved a major cull and only the second step involved a contract with The Responsible Animal Care Society, a community organization in the Kelowna area that monitors, traps, sterilizes, and relocates rabbits from a drastically reduced population.

16. In further response to paragraph 3 of the Plaintiff's affidavit, UVic has been in communication with Long Beach College ("LBC"). LBC faced a substantially different set of circumstances: while they support a trap, neuter, adopt program, rabbits are not classified as wildlife in California and further alternatives, like individual adoption, are permitted. Moreover, LBC was addressing a total feral rabbit population of approximately 300 rabbits. UVic is estimated to have in excess of 1,600 rabbits.

17. In response to paragraph 5 of the Plaintiff's affidavit, UVic's overpopulation problem of feral rabbits required further and additional research, some of which UVic contracted to Common Ground, a wildlife damage control company. It was Common Ground's sole responsibility to obtain permits for implementation of the proposed trap, neuter and re-home project. Common Ground and the sanctuaries they were working with did not obtain those permits and neither did they obtain exemptions from the requirements for permits. Common Ground was unable to confirm potential sanctuaries'

participation in the project. Finally, UVic did release Common Ground's report to the general public and this was done only after having received Common Ground's verbal permission for the release of that report.

18. I note the Saanich, Oak Bay and Victoria municipal councils, have indicated they would consider bylaws which would restrict the sale of unsterilized rabbits in pet stores. I attach hereto as **Exhibit "F"** a newspaper article reporting on the Victoria municipal council's decision. I attach hereto as **Exhibit "G"** a newspaper article relating to the Saanich and Oak Bay municipal councils. Even if such bylaws were put in place immediately they would not have any immediate effect on reducing UVic's current rabbit population, given the number of rabbits presently on campus.

19. Meanwhile, and in response to paragraph 9 of the Plaintiff's affidavit, UVic has not culled any rabbits since May 2010. UVic did trap nine rabbits according to its intentions to do so for the animals' safety as a building they were living under, the L Hut, was scheduled for deconstruction. These nine rabbits were adopted by Earth Animal Rights ("EARS") per their Ministry permit and in agreement with UVic. When, subsequent to that adoption, fencing surrounding the L Hut was vandalized and two further rabbits entered the area, UVic trapped them and they too were adopted by EARS. No other rabbits were trapped.

20. In response to paragraph 11 of the Plaintiff's affidavit, and more recently, in August, UVic did not wait over 20 years to begin culling rabbits over the August long weekend of 2010. Rather, there were never any plans to cull rabbits during that time, as noted in the official statement on the UVic website concerning rabbits. Nor does the university wish to permit unauthorized and uncontrolled individuals' entry onto its campus to trap rabbits.

21. In response to paragraph 12 of the Plaintiff's affidavit, UVic is committed to resolving the overpopulation problem with its feral rabbits and is unwilling simply to transfer the problem to nearby neighbourhoods with previously unoccupied green spaces. Freelance relocation is not supported by UVic as it creates substantial risks of infestation in those neighbourhoods and other unoccupied green spaces. Nor is the dissemination of

false information supported by UVic and it has had to respond to independent allegations made by the Plaintiff, such as those corrected in **Exhibit "H"** attached hereto. UVic has devoted a page on its rabbit information web site to clarify facts from fiction.

### **The Management Plan**

22. UVic now has an official Feral Rabbit Management Plan (the "**Management Plan**"), released in June 2010, which I attach hereto as **Exhibit "I"**. This Management Plan was formed following consultation with habitat and environment management experts, biologists, and consideration of submissions from animal rights groups and the general public. It incorporates several tactics including trapping, sterilizing, releasing, relocating, and putting down rabbits.

### **The Position of the Ministry of the Environment**

23. I have been in contact with the Ministry of the Environment at several times throughout the last six months in order to ensure UVic remains in statutory and regulatory compliance in its efforts to control the rabbit populations at UVic. The Ministry has been supportive and has, as shown in the letter attached hereto as **Exhibit "J"**, been clear that UVic's Management Plan is in compliance with the *Wildlife Act*. I verily believe the statements in that letter to be true. In addition, UVic met with the Ministry prior to issuance of the Management Plan to ensure UVic was in compliance.

24. Furthermore, as recently as August 6, 2010, I was in contact with Michael Stalberg, Head of the Fish and Wildlife Section for the West Coast Sub-Region of Ministry of the Environment. He confirmed that only one permit has been issued so far for a sanctuary with a capacity for housing 60 rabbits but the permit-holder has agreed only to adopt as many as 30 rabbits to begin.

### **Urgency and Cost**

25. It is important that the overpopulation of the rabbits at UVic be addressed promptly. After several years of having gathered data, consulted with experts, and formulated strategies for response, the rabbit population has grown to harmful

proportions. UVic and its neighbours have suffered damage as a result of the destruction of its property, especially to gardens, trees, and fencing.

26. In response, substantial costs have also been incurred to prevent further damage; for example, in response to paragraph 2 of the Plaintiff's affidavit, fencing constructed to protect the construction site of the First Peoples' House in 2009 was breached by rabbits, enabling them also to consume specific rabbit resistant plants purchased for the landscaping project. Similar problems had been encountered in 2008 when landscaping around the new Administrative Support Building and the Social Sciences and Math Buildings, despite having bought plants again specially intended not to appeal to rabbits. UVic estimates the cost of damaged landscapes to be in excess of \$75,000 for these new buildings alone.

27. The rabbits have also damaged plants in certain areas of UVic's campus which have significant value: Finnerty Gardens, where UVic has a world heritage garden collection and the Garry oak meadow at Cedar Hill and Henderson Roads which is used for teaching programs involving threatened indigenous species of plants. While steps have been taken to try to protect these assets, rabbits continue to access these areas.

28. Rabbits have also dug holes in UVic's athletic fields. While these have not yet resulted in any serious or career ending injury to a user of the fields, there have been some minor injuries. UVic has a continuing concern that there will be serious or career ending injuries. Any injury resulting from a rabbit hole on the fields may damage or end the career of an athlete and consequently expose UVic to risk in a claim for substantial damages, particularly in the case of elite athletes who train at UVic. In any event, there is certainly ongoing cost to try to rabbit-proof the fields and to fix the damage which has been caused.

29. Further delay will result in increase of the rabbit population, further destruction of property and further financial resources being diverted from UVic's educational mission. Further delay will also increase the cost of implementing the Management Plan.

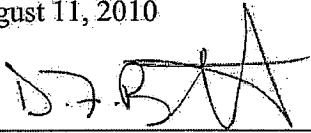
30. UVic has a brief window of opportunity before the majority of its students, including most of its first year students in residence, arrive on campus in September, in which it may implement the Management Plan more easily and efficiently. With the return of the students, the rabbit population will have greater access to food, which will reduce the success of any trapping. Also, when there are substantially more people on campus it is more difficult to trap rabbits. UVic's plan is to trap as many rabbits from the student residence area as possible before September 7, 2010. It is our current intention to stop trapping in the student residence area after that and will wait until November to start again when it is likely the rabbits will be hungrier and easier to trap. Given the number of rabbits at UVic, it is expected there will be plenty of rabbits still available at that time to go to sanctuaries which have permits in place.

31. Attached to this my affidavit as: **Exhibit "K"** is a photograph taken in 2009 of rabbit damage to a tree on the UVic campus; **Exhibit "L"** is a photograph taken in 2009 of rabbits on the lawn in the student residence area; **Exhibit "M"** is a photograph taken in 2010 of rabbit damage at the base of a transformer at UVic's MacKinnon Gym; **Exhibits "N" "O", "P" and "Q"** are photographs taken in 2009 of rabbit damage in the student cluster housing residence area; **Exhibits "R" and "S"** are photographs taken in 2010 of rabbit damage to UVic athletic fields; **Exhibits "T", and "U"** are photographs taken in 2009 of rabbit damage to trees in the student residence area; **Exhibit "V"** is a photograph



taken in 2009 of rabbit damage to the lawn in the student residence area; Exhibits "W", "X", and "Y" are photographs taken during 2009 of rabbit feces on the lawn in the student residence area; Exhibits "Z", "AA", "BB", and "CC" are photographs taken in 2009 of rabbits and rabbit damage on the lawns at UVic; and Exhibits "DD", "EE" and "FF" are photographs taken during July, 2010 of rabbit damage to a sequoia tree at the UVic student union building.

SWORN TO BEFORE ME at  
Saanich, British Columbia,  
August 11, 2010



A Commissioner for Taking Affidavits  
in the Province of British Columbia



THOMAS F. SMITH

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985

Date: 10-Aug-2010 TITLE SEARCH PRINT Time: 14:38:32  
 Requestor: (PA43073) DAMON LEGAL SERVICES LTD. Page 001 of 005  
 Folio: TITLE - EG170292

VICTORIA LAND TITLE OFFICE TITLE NO: EG170292  
 FROM TITLE NO: EC139424

EG144584  
 EG160940  
 F12687  
 K38728  
 L64935  
 P62962  
 R25427  
 R3054  
 R61305  
 R61306  
 20347W  
 37057W  
 387740I  
 387741I  
 402604I  
 8706W

This is Exhibit "A" referred to in the  
 Affidavit of Thomas Smith  
 Sworn before me at Saanich BC  
 this 11<sup>th</sup> day of August 2010

D. J. B. A.

DON BARNHARDT A Commissioner for taking Affidavits  
 Barrister and Solicitor within British Columbia  
 University of Victoria  
 Administrative Services Building  
 Victoria BC V8W 2Y2  
 Telephone: 250-721-7985

APPLICATION FOR REGISTRATION RECEIVED ON: 30 DECEMBER, 1993  
 ENTERED: 28 JANUARY, 1994

REGISTERED OWNER IN FEE SIMPLE:

UNIVERSITY OF VICTORIA  
 P.O. BOX 1700  
 VICTORIA, B.C.  
 V8W 2Y2

TAXATION AUTHORITY:

MUNICIPALITY OF OAK BAY  
 MUNICIPALITY OF SAANICH

DESCRIPTION OF LAND:

PARCEL IDENTIFIER: 018-583-890  
 LOT 1, SECTIONS 31, 44, 45, 71, AND 72, VICTORIA DISTRICT, PLAN VIP57957

LEGAL NOTATIONS:

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL  
 GOVERNMENT ACT, SEE CA1601264

TO PART FORMERLY LOT A, PLAN 14567, AND PART FORMERLY LOT 1,  
 PLAN 14884, IS ANNEXED EASEMENT 341146G OVER PART OF LOT A, PLAN 19790

SUBJECT TO THE EXCEPTIONS AND RESERVATIONS CONTAINED IN DOMINION GRANT  
 DD 290239I (AS TO THAT PART FORMERLY PLANS 1420 AND 3481), EXCEPT  
 PARCEL A THEREOF

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29  
 OF THE MUNICIPAL ACT, SEE EF73275

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER  
 PART 29 OF THE MUNICIPAL ACT SEE DF. EG73997

SUBJECT TO EXCEPTIONS AND RESERVATIONS CONTAINED IN

Date: 10-Aug-2010  
Requestor: (PA43073)  
Folio:

TITLE SEARCH PRINT  
DAMON LEGAL SERVICES LTD.  
TITLE - EGI70292

Time: 14:38:32  
Page 003 of 005

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THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FA34644

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THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FA56037

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THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FA73963

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THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB246756

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB271283

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB59748

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE

CHARGE NUMBER	DATE	TIME
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UNDERSURFACE RIGHTS

M76301

REGISTERED OWNER OF CHARGE:

Date: 10-Aug-2010      TITLE SEARCH PRINT      Time: 14:38:32  
Requestor: (PA43073)      DAMON LEGAL SERVICES LTD.      Page 005 of 005  
Folio:      TITLE - EGI70292

LEASE

F39658      1977-04-28    11:49  
REGISTERED OWNER OF CHARGE:  
THE CORPORATION OF THE DISTRICT OF SAANICH  
F39658  
REMARKS: PART

STATUTORY RIGHT OF WAY

K38729      1981-04-14    13:23  
REGISTERED OWNER OF CHARGE:  
THE CORPORATION OF THE DISTRICT OF SAANICH  
K38729  
REMARKS: PART

RIGHT OF WAY

260791G      1981-12-06    10:00  
REGISTERED OWNER OF CHARGE:  
THE CORPORATION OF THE  
DISTRICT OF SAANICH  
260791G  
REMARKS: 10 FOOT STRIP, PART FORMERLY PART OF LOT A,  
PLAN 2081

UNDERSURFACE AND OTHER EXC & RES

EG150232      1993-11-02    13:42  
REGISTERED OWNER OF CHARGE:  
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA  
EG150232  
REMARKS: PURSUANT TO SECTION 47 LAND ACT..

STATUTORY RIGHT OF WAY

ES46064      2001-06-12    11:19  
REGISTERED OWNER OF CHARGE:  
THE CORPORATION OF THE DISTRICT OF OAK BAY  
ES46064  
REMARKS: PART IN PLAN VIP72437

COVENANT

ET106826      2002-09-17    13:25  
REGISTERED OWNER OF CHARGE:  
HOMEOWNER PROTECTION OFFICE  
ET106826

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*

EXHIBIT B

This is Exhibit "B" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010.

D. J. Barnhardt

A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985



University  
of Victoria

**MEDIA RELEASE**

September 5, 2008

## **UVIC LAUNCHES PUBLIC AWARENESS CAMPAIGN ON FERAL RABBITS**

Sure they're cute, but they're not pets. They're wildlife.

This is the main message behind a public awareness campaign being launched next week by the University of Victoria. The campaign's goal is to change the way people view and interact with feral rabbits at its Gordon Head campus.

"We have determined that rabbits will have a continued presence on the UVic campus, but the status quo is not an option," says Neil Connelly, UVic's director of campus planning and sustainability. "The university is developing a long-term rabbit management plan that is based on a significant shift in how we view the rabbits and how we behave around them."

UVic is well-known for its feral rabbits, which are pets or descendants of pets that were abandoned on campus by members of the community. Although many people on and off-campus enjoy the presence of the rabbits, their activities can have a significant impact on human health and safety (the risk of catastrophic injury to athletes from rabbit holes, for example, or disease spread by rabbit feces), and on plants and property.

The public awareness campaign is aimed at eliminating further abandonment of unwanted pet rabbits, reducing human-provided food sources for rabbits, and preventing harassment of and cruelty to rabbits.

Rabbit abandonment is a community-wide issue that requires community-wide solutions, stresses Connelly. UVic will be asking local governments to toughen up their bylaws dealing with the abandonment of pet rabbits and to consider banning the sale of unspayed and unneutered rabbits, except to registered or licensed breeders.

"Some people seem to think that rabbits are disposable pets," he says. "We all need to drive home the message that abandoning your pet rabbit anywhere, not just at UVic, is not only irresponsible and inhumane, it's illegal."

Feeding the rabbits helps push their numbers toward an unmanageable level, and the leftovers are creating a ready food source for a growing rat population. Feeding rabbits also increases the risk of rabbit bites and the tetanus that could result. "The rabbits at UVic are not pets, they're wildlife," says Connelly. "Like other wildlife, rabbits must forage for their food to survive."

The campaign also cautions people to not chase, handle or pet the rabbits, and reminds dog owners that their pets are to be kept on leash and under control at all times when on campus. As wildlife, feral rabbits are protected by federal and provincial legislation from acts of harassment and cruelty.

Since late 2007 the university has been gathering information on rabbit-related damage and safety concerns, on the significance of rabbits to UVic's sense of community and external image, and on

15  
feral animal management issues in other jurisdictions. The university has also consulted with on-campus groups, residents' associations, community organizations and local municipalities.

The process included initiating ongoing surveys of the size and distribution of the feral rabbit population in specific areas of campus.

"By understanding the population densities we'll be able to explore a number of non-lethal control methods, such as vegetation modifications, to try to manage rabbit activities in key areas such as the athletic fields," says Connelly. "These methods will be investigated in the coming months, in consultation with internal and external stakeholder groups and volunteers. The public awareness program is the first step."

Connelly stresses that the university is not in a position to make a significant financial contribution to this issue. "The university cannot justify diverting substantial funding from its educational mission to deal with what is, in reality, a community-wide issue."

For more information, visit [www.uvic.ca/rabbits](http://www.uvic.ca/rabbits).

-30-

#### **BACKGROUND: Feral rabbits at UVic**

##### **Media contacts:**

Neil Connelly (Director of Campus Planning and Sustainability) at 250-721-7019 or [nconn@uvic.ca](mailto:nconn@uvic.ca)

Tara Sharpe (UVic Communications) at 250-721-6248 or [tksharpe@uvic.ca](mailto:tksharpe@uvic.ca)

## EXHIBIT C

This is Exhibit "C" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

D. F. Barnhardt

A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985



## FERAL RABBITS AT UVIC: BACKGROUNDER

The university's rabbit management plan, currently under development, is being based on background research on rabbit impacts (positive and negative) at UVic and elsewhere, ongoing monitoring of the size and distribution of rabbits in designated areas of campus, and consultations with campus and community groups and organizations.

Specific areas of rabbit management concern at UVic include the athletic fields (for the health and safety of athletes and other users, and to reduce the risk of injury due to rabbit holes or the transmission of disease via feces), Finnerty Gardens (to protect world heritage plant collections), and the Garry oak meadow at Cedar Hill and Henderson Roads (to preserve teaching programs involving threatened indigenous plant species). A narrow strip of land along Gordon Head Road adjacent to the Mt. Tolmie neighbourhood is also an area of management interest.

The exact size of the rabbit population at UVic is not known. A precise number is impossible to determine without using invasive and expensive techniques. In July 2008 an observational inventory was conducted by an external consultant to estimate rabbit numbers in two areas covering the western and northern reaches of campus. The inventory included all the locations identified above as areas of management concern. The count estimated that there are a minimum of 158 rabbits in the north control area (the athletic fields) and a minimum of 85 rabbits in the west control area (lands adjacent to Cedar Hill and Gordon Head Roads). Inventories in other areas are planned and will be repeated at different times of the year to determine population changes.

The rabbit management plan will also include: modifications to vegetation and landscaping; investigation of other control options in the specific areas of management concern; discussions with municipal authorities on toughening up penalties for abandoning pet rabbits; and continued consultations with on and off-campus groups and volunteers on the development and application of effective non-lethal rabbit management solutions.

Most feral rabbits at UVic are unwanted pets or descendants of unspayed or unneutered pets abandoned on campus. Pet owners may think that UVic is a safe place for rabbits and that setting them loose is easier or kinder than taking them to an animal shelter. It isn't. Pet rabbits are not well-adapted for the rigours of outdoor life. Due to predation, disease, cars and dogs, as well as harassment by humans, feral rabbits at UVic often live short and difficult lives.

The external consultant conducting the initial inventory witnessed a wide variety of food items left out for rabbits by people, including birdseed, wieners, pita bread, vegetable patties, onions, carrots, apples, etc. Many of these food items, in addition to being inappropriate rabbit food, attract rats. Feeding the rabbits also helps push their numbers to unmanageable levels. As wildlife, rabbits at UVic must forage for their own food to survive.

For more information, visit [www.uvic.ca/rabbits](http://www.uvic.ca/rabbits).

May 17th 2010  
 University of Victoria Board of Governors  
 C/O Julia Eastman  
 University Secretary  
 University of Victoria  
 Administrative Services Building  
 PO Box 1700 STN CSC  
 Victoria, British Columbia, V8W 2Y2  
 jeastman@uvic.ca

This is Exhibit "D" referred to in the  
 Affidavit of Thomas Smith  
 Sworn before me at Saanich BC  
 this 11 day of August 2010

D. J. R. A. Star

A Commissioner for taking Affidavits  
 within British Columbia

DON BARNHARDT  
 Barrister and Solicitor  
 University of Victoria  
 Administrative Services Building  
 Victoria BC V8W 2Y2  
 Telephone: 250-721-7985

Re. Rabbit Population at the University of Victoria

Dear Members of the Board of Governors,

I have already stated in correspondence with Richard Piskor, Gayle Gorril and Tom Smith and with this letter I repeat my proposal to the University's Board of Governors for an alternative to the current methods the University seems to have chosen to control the problem of feral rabbits on campus.

While mass sterilization has been used successfully managed populations in a number of situations, rabbit population control through mass vasectomy of males in a large rabbit population has not been attempted.

There are several reasons why vasectomy may prove more effective and ultimately less costly than spay and neuter and they are outlined below.

Please review the rational for our proposal below and give it your sincere consideration. Failing to do so will harm not only the rabbits themselves but the University of Victoria's reputation as a place of learning and reflection where animal life is respected. More humane solutions that do not involve large scale killing can be employed to solve the problem that exists today.

Why would vasectomy be more effective than spay / neuter at controlling a feral rabbit population?

- 1) It involves only the male rabbits, eliminating at least 50% (It would be expected that males comprise something less than half the population) of the population from the surgical pool.
- 2) Vasectomised male rabbits will retain their territorial nature, keeping other males out of their breeding group.
- 3) Female rabbits are induced to ovulate by the act of coitus and once they ovulate they will enter a pseudo pregnancy which will preclude another oestrus period for a few weeks.

I have received many phone calls and emails from people supporting our plan to vasectomise males from the rabbit population. Among those who have contacted me, one in particular stands out since she is a qualified expert in this field. I was recently contacted by Dr. Diane McClure. Dr. McClure is a DVM, PhD. She is an associate professor of veterinary medicine at Western University and is a Diplomat of the American College of Lab Animal Medicine. She has been directly involved in the control of feral rabbit populations on university and college campuses in California and is an expert in this area. Dr. McClure offered her strong support for our proposal and suggested to me on the phone that the specific biology and behaviour of rabbits lends itself to the use of vasectomy as a means of population control in this species. Dr. McClure has offered her support for our project and invited me to give you her contact information should any of you wish to contact her directly.

Dr. Diane McClure  
Associate Prof.  
College of Veterinary Medicine  
Western University of Health Sciences  
309 East Second Street, Pomona , CA 91766-1854

My proposal would involve two stages. The first stage would be to undertake an initial feasibility study involving the capture, vasectomy, and re-release of 12 male rabbits. Provided that my veterinarians and I can learn to perform this technique efficiently with a low complication rate, we could move on to the second stage. Stage two would involve the capture, vasectomy, and re-release of all males in individual breeding colonies. Populations in the immediate area where these colonies were located would be expected to decline with time.

We are prepared to undertake, at no charge to the university, first the feasibility study and then, if that proves satisfactory to me, the second stage of our proposal. We would train volunteers to capture the rabbits and release them. To cover surgery costs, I would rely on donations raised by volunteers on campus and on donors. This offer is contingent on the university allowing the vasectomised rabbits to be re-released on campus in the areas from which they were captured and on assurances from the university that no cull will occur.

The university would also be required to negotiate with the ministry of the environment for the necessary permits to carry out this plan. (This is a correction from my previous offer)

The university would also be required to allow us to perform limited fund raising on campus to support the resources required for a project of this magnitude.

I also invite the university's Biology department to nominate a grad student who might like to participate in this plan as a part of their thesis research.

Please let me know if this plan, which is economical, innovative, scientific, ethical and

humane, is of interest to you.

Yours truly,

Nick Shaw DVM  
Shaw Pet and Equine Hospitals  
1782 Stelly's Cross Rd  
Saanichton BC  
Canada  
V8M 1S8  
250-652-4312  
nshawdvm@shaw.ca

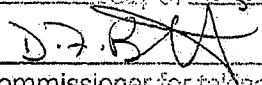
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May 3, 2010

Larry Wartel

Email: [freecusall1@gmail.com](mailto:freecusall1@gmail.com)

Dear Mr. Wartel:

This is Exhibit "E" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

  
A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985

Thank you for your email of April 22, 2010, regarding feral rabbits at the University of Victoria. The Minister has asked that I respond on his behalf.

It is my understanding there has been some information in the media regarding the feral rabbit population at the University of Victoria and that your questions may be based on this information. The information below regarding feral European Rabbit, the *Wildlife Act*, and management techniques should clarify your inquiries.

Although British Columbia (BC) is home to one native species of hare (Snowshoe Hare; *Lepus americanus*) and two native species of rabbits (White-tailed Jackrabbit; *Lepus townsendii* and Nuttall's Cottontail; *Sylvilagus nuttalli*), Vancouver Island does not have any native species of hares or rabbits. Unfortunately, abandoned "pet" European Rabbits over the years have subsequently resulted in a feral population of between 1,500 and 3,000 rabbits at the University of Victoria campus. Without a natural predator on Vancouver Island, this population of non-native, invasive rabbits will continue to increase unless population-control efforts are applied. The University of Victoria has decided to address feral rabbits which are causing tens of thousands of dollars worth of damage becoming a safety and health concern.

With regards to your enquiry about the techniques used to manage this rabbit population, the Ministry of Environment, under the *Wildlife Act*, does not condone the use of poison to control wildlife. I can assure you that the ministry will not allow the use of poison to manage rabbits at the University of Victoria nor has the University of Victoria enquired about this method.

Similarly, the University of Victoria has not enquired about shooting rabbits at night and this method would be contrary to municipal bylaws regarding the discharge of firearms within the city limits without a permit to do so. Currently, the proposed method of removal involves live trapping, transport to a safe location and subsequent lethal injection by a licensed veterinarian. These activities would be closely monitored by the British Columbia Society for the Prevention of Cruelty to Animals (BCSPCA).

While the ministry appreciates your preference to use non-lethal control techniques, methods such as sterilization have proven ineffective at controlling invasive, non-native species and do nothing to address the current population levels. To be effective, sterilization requires that all the individuals (or all of a determined sex) be captured. If only a few are missed the probability these individuals breeding is high and it does not take long for the control measure to be rendered ineffective. While it certainly was generous of a local veterinarian to offer to donate time and services, it would be impossible to capture and sterilize every rabbit from the current population.

Although the population of feral rabbits at the University of Victoria is a concern, the ministry will not be persuading University of Victoria to choose one method over another. Because these particular rabbits reside on private land and are *Schedule C* wildlife, the University of Victoria can control the population as they see fit as long as they abide by the regulations set forth under the *Wildlife Act* as well as city and municipal guidelines and bylaws.

Thank you again for taking the time to write.

Sincerely,

*"Original Signed By"*

Don Cadden

Regional Manager

Environmental Stewardship and

Parks and Protected Areas Divisions

## EXHIBIT F

This is Exhibit "F" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

D. J. Barnhardt

A Commissioner for taking Affidavits  
within British Columbia.

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985

## Victoria flexes bylaws, battles breeding bunnies

BY VIVIAN LUK, VANCOUVER SUN AUGUST 6, 2010

In an effort to deal with an abundance of feral bunnies, Victoria council is rewriting its animal control bylaws to restrict the sale of unsterilized rabbits in pet stores.

"It's not about penalizing people, it's about responsible ownership," Coun. Charlayne Thornton-Joe said Thursday.

Referring to the nearly 2,000 rabbits that have been breeding like, well, bunnies, and ruining the University of Victoria's outdoor fields, Thornton-Joe continued, "These are domesticated animals that are no longer seen as cute little bunnies, so people release them in the wild to fend for themselves."

She is also proposing bylaws to prohibit leaving dogs unattended inside a vehicle on hot days and mandatory cat sterilization. These regulations could be put into effect as soon as January, she said.

Victoria is not the only municipality in B.C. tackling a rabbit problem. Kelowna, Coquitlam and the District of North Vancouver now require pet stores to spay their rabbits before selling them. This spring, Richmond and New Westminster banned the sale of rabbits in pet stores altogether.

"We have this issue with rabbits where people tend to buy them as an impulse purchase," said BCSPCA animal welfare manager Geoff Urton. "When they get tired of them or realize they take more effort to care for, a lot of people think it's okay to let them go in a public park, especially if they see rabbits there. Abandoning them that way is irresponsible and we're at the point right now where we have to put restrictions on how people can purchase them."

Vancouver has no bylaws pertaining to rabbits, but Urton said there are "quite a few" rabbits on Jericho Beach. He believes preventive action needs to be taken.

"Rabbits multiply quickly and the population explodes from there," he said. "People who are not from Vancouver will come in and buy rabbits from pet stores and dump them elsewhere. By regulating pet stores in Vancouver, we can make sure they're not irresponsibly selling rabbits that are going to have an effect in the Lower Mainland."

Another animal welfare issue of note is cat licensing, Urton said.

"Twenty thousand cats come to us every year," he said. "But our return to owner rate is only eight per cent because most don't have identification on them. Cat licensing is the best way for us to make sure cats get back to their owners and to prevent homeless cats."

Delta and Victoria are considering mandatory cat licensing, but Thornton-Joe admits that it too is a controversial issue.

vluk@vancouversun.com





## EXHIBIT G

This is Exhibit "G" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
on 11 day of August 2010

D. J. Barnhardt

A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985

## Animal welfare goal of extensive rewrite of pets-in-cars bylaw

Leaving dogs unattended in cars among the abuses Victoria council hopes to curb

BY BILL CLEVERLEY, TIMES COLONIST AUGUST 5, 2010

Leaving a dog unattended in a car and limiting the number of cats that can be kept in a household are among the issues Victoria city council will tackle in the rewrite of its animal control bylaw.

Victoria councillors have instructed staff to make animal welfare issues a priority. That would mean such items as:

- Imposing basic standards of animal care in homes and in businesses.
- Prohibiting abandonment of animals.
- Prohibiting leaving an animal unattended in an enclosed space without sufficient ventilation.
- Imposing requirements for secure transport in vehicles.
- Requiring secure enclosures of outdoor rabbits and chickens, and limiting the number of rabbits and chickens that may be kept.
- Prohibiting keeping a dog on a traffic island.
- Prohibiting exercising a dog from a vehicle or bicycle.

The municipality will also follow Saanich and Oak Bay in tackling animal overpopulations by considering mandatory cat sterilization, introducing a spay/neutering program, and cat licensing. It will also consider outlawing the sale of unsterilized rabbits and prohibiting the sale of rabbits by pet stores.

Mayor Dean Fortin wondered whether the Capital Regional District might be able to expedite a model bylaw to deal with overpopulation of rabbits, rather than have several municipalities attempt to do the same thing independently.

But Coun. Geoff Young, who is also CRD chairman, said it's not the region's role -- nor does it have the staff to write such bylaws.

Dealing with the overpopulation is really an issue of animal welfare, Coun. Charlayne Thornton-Joe recently told fellow councillors, saying the bylaw overhaul is an opportunity for the municipality to be proactive.

"These are not wild animals to start off with. Then they are abandoned because they are no longer cute animals. I see that section dealing with animal overpopulation as necessary to deal with as animal welfare," Thornton-Joe said.





Contact us

rabbits > facts and fictions

## Rabbits @ UVic

Join the conversation

Want to get involved?

### Separating the facts from the fictions

A great deal of false information has been circulated about UVic's approach to dealing with the feral rabbit population on campus. The more significant fictions are dealt with below.

#### Fiction

UVic is culling rabbits beginning July 31st.

#### Fact

There are no plans to begin a cull over the BC Day long weekend.

#### Fiction

UVic is culling rabbits through inhumane means such as heart-stick, snares, shovels, poison and rocks.

#### Fact

In May, UVic humanely trapped rabbits in the vicinity of its playing fields to deal with health and safety risks to university and community athletes. This limited cull was conducted using a humane approach identified by the American Veterinary Medical Association and preferred by the SPCA.

#### Fiction

Bait stations intended for rat control are killing rabbits.

#### Fact

UVic has been using poison to control rats on campus for more than 15 years. This poison is not attractive to rabbits. During the same 15-year period, the rabbit population on campus has grown exponentially. Despite claims to the contrary, there is no evidence to date of any rabbit deaths attributable to the poison in the rat bait stations.

#### Fiction

UVic stopped its feral rabbit pilot project even though adoptive homes were available for many more rabbits.

#### Fact

During the Dec. 2009-Feb. 2010 pilot project, it proved to be much more difficult than expected to find homes for the rabbits. The sanctuaries that initially expressed interest were unwilling to obtain the permits and undergo the inspections required by the provincial Ministry of Environment. As a result, 40 out of the 51 rabbits sterilized through the project had to be returned to campus. The project had aimed to remove and re-home 150 rabbits from the vicinity of the playing fields to create a rabbit-free zone.

#### Fiction

UVic is scrambling cell phones in order to prevent activists from communicating with each other.

#### Fact

UVic does not possess cell phone-scrambling technology.

#### Fiction

Gunshots are being heard on campus and UVic must be using guns to kill rabbits. The police have arrived with sirens on to respond to these incidents.

#### Fact

Campus Security Services patrols the campus twenty-four hours a day and has not received complaints about gunshots. The local police forces have not received complaints about gunshots being heard on campus. UVic is not using guns to kill rabbits.

#### Fiction

As a result, UVic is almost entirely devoid of rabbits.

#### Fact

This is Exhibit "H" referred to in the Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 10 day of August 2010  
DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985  
A Commissioner for taking Affidavits  
within British Columbia

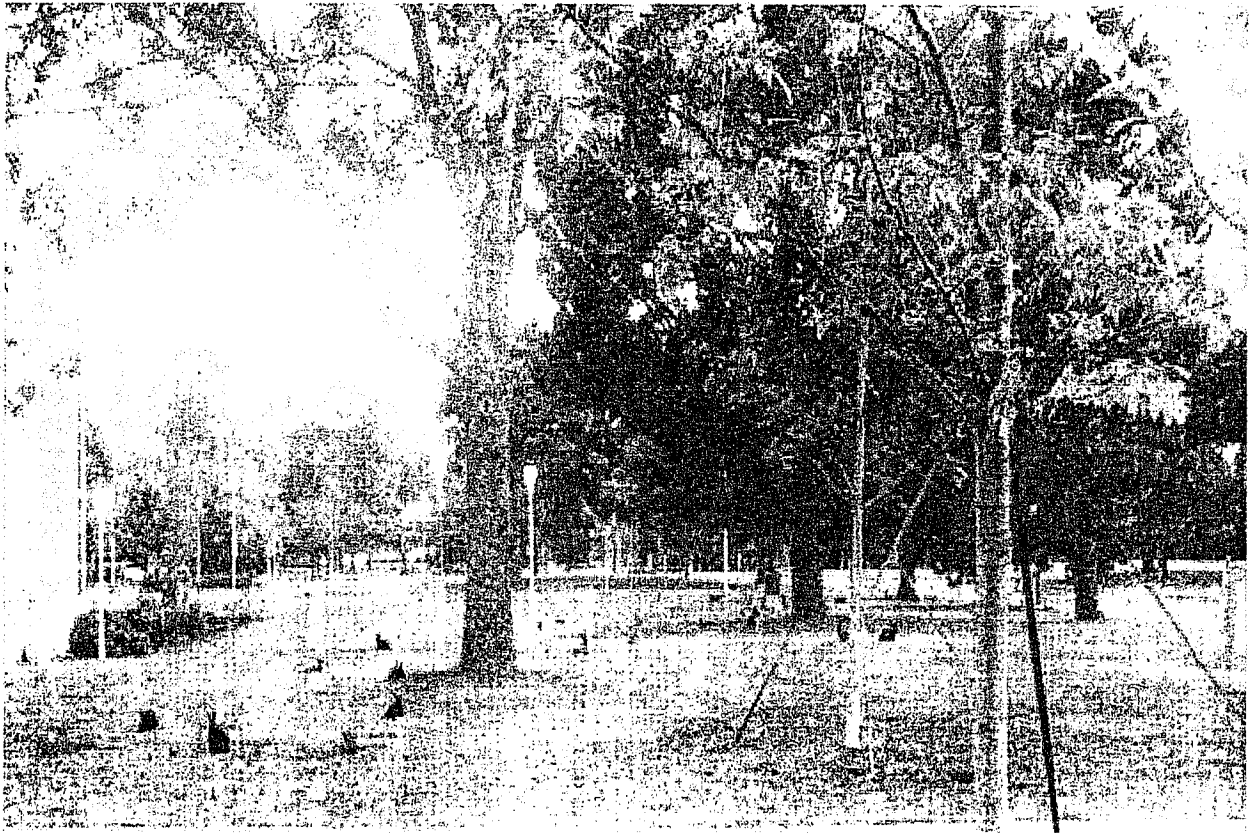




University  
of Victoria

# Feral Rabbit Management Plan

June 2010



This is Exhibit "I" referred to in the  
Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

D. F. BARNHARDT  
A Commissioner for taking Affidavits  
within British Columbia  
DGN BARNHARDT  
Barrister and Solicitor  
University of Victoria  
Administrative Services Building  
Victoria BC V8W 2Y2  
Telephone: 250-721-7985

## Introduction

Feral rabbits have been a part of the University of Victoria campus for many years. These rabbits are abandoned pets, originally purchased at local pet stores, or descendants of non-sterilized rabbits abandoned on campus by members of the wider community. The feral rabbits are now considered to be part of the UVic experience. However, the feral rabbit population has grown to the extent that it constitutes a health and safety hazard, and is responsible for significant damage to campus vegetation; and rabbits are dispersing in greater numbers into surrounding communities. UVic's neighbours have been very clear that they do not want the rabbits on their property. Rabbit damage and digging activity creates safety hazards everywhere and is of most concern in our athletic and recreational playing fields.

UVic is moving forward, as identified in this management plan, to reduce and control the feral rabbit population on the Gordon Head Campus.

UVic has had an awareness campaign in place since September 2008 to educate the public about the feral rabbits on campus. Resulting from a public competitive process, UVic engaged a contractor and completed a two-month pilot project to test community capacity to re-home rabbits into sanctuaries. Valuable lessons learned from these activities, together with research on other communities with similar wildlife issues, and suggestions from the community, have informed the development of our long-term management strategy.

The University will implement this long-term strategy for the management of the feral rabbit population to keep their numbers to sustainable levels in specific areas, using what we have learned and what we will continue to learn as we proceed.

Appendix "B" includes photographs of damage caused by the overpopulation of rabbits.

## Issues

- It took many years for the rabbit situation to reach this point, and it will take some time to manage the population down to sustainable levels.
- Despite our awareness campaign, numerous members of the campus and the community continue to treat the rabbits as pets, and continue to feed and touch the feral rabbits on campus. There are instances of rabbits being chased or harassed.
- Members of the community also continue to abandon their pet rabbits on campus. As wildlife, feral rabbits are protected by federal and provincial legislation from acts of harassment and cruelty.
- The BCSPCA has been encouraging area municipalities to adopt by-laws prohibiting the sale of non-sterilized rabbits and the abandonment of rabbits. To date, new by-laws have not been passed but the University has and will continue to support these efforts.



- The University cannot justify diverting substantial funding from its educational mission, but is prepared to dedicate some resources to this project and to long term management.
- From the rabbit count surveys completed over the last two years, it is estimated that there are approximately 1,400 – 1,600 feral rabbits currently on campus. Rabbit population counts are challenging to conduct and the numbers vary from season to season.
- Although trapping and sterilizing rabbits was relatively easy, re-homing or adopting feral sterilized rabbits into the community or into sanctuaries following The Ministry of Environment's guidelines was not very successful due to the unwillingness of potential sanctuaries to obtain Ministry permits and undertake inspections.
- Feral rabbits are a region-wide issue. Not only UVic but also many other properties around the Capital Region have been affected, and it will take a region-wide effort to resolve it. Governments, municipalities, organizations and individuals need to get involved.

### **Lessons Learned from 2008 to 2010**

The following are a few of the lessons we have learned:

#### **From the Trap, Neuter, Relocate – Pilot (Dec 2009 to Feb 2010):**

- In the winter months, when food was scarce, rabbits were easy to capture using humane live traps. Fifty-one rabbits were captured in eight hours, using five traps.
- Volunteer support was available to capture rabbits in a neuter / relocation / release program.
- Some rabbits captured had already been spayed and neutered, indicating they were previously pets and were dropped off onto campus.
- Some of the veterinary community was prepared to offer their services at reduced rates for a neuter / relocation / release program.
- There are provincial policies that must be adhered to regarding holding, transporting, and relocating feral rabbits. Individuals and organizations must be prepared to adhere to the regulations, go through the necessary permitting process, and be willing to have their proposed sites approved.

#### **From the Trap, Neuter, Release – Pilot (March 2010):**

- A trap / neuter / release program can be an integral component of a long-term rabbit management plan, once the population is brought to sustainable numbers.
- Rabbits were captured in and around the playing fields as part of the pilot project. As rabbits in this area cause significant damage and risk the safety of the athletes, the rabbits were released in a different part of campus. Based on tracking of the released rabbits, it appears they do not migrate back to the areas where they were captured.

**From the Trap, Euthanize – Pilot (May 2010):**

- Rabbits are not as easy to trap when food is plentiful, as in the spring, summer and fall. Therefore, creating areas on campus that are completely free of rabbits is not likely possible when trapping in spring / summer / fall seasons.
- The majority of rabbits can easily be enticed into traps. The remaining rabbits are more difficult to capture.
- Veterinary and trapping costs can be significant.
- It is unlawful for individuals to interfere with the trapping process. The Ministry of Environment can impose fines pursuant to The Wildlife Act.

**From the Public Awareness Campaign (2008 – 2010):**

- Posters, campus signage, community media releases and on campus communication does not appear to have had a significant influence on the University community nor the wider community to stop feeding and nurturing, or abandoning rabbits on campus.

## Rabbit Management Approach

The UVic Gordon Head Campus has been partitioned into designated rabbit free zones (RFZ) and rabbit control zones (RCZ). See Map - Appendix "A".

Four rabbit control zones are designated inside the Ring Road. All areas outside the Ring Road are designated as "rabbit free".

Reducing the population, and then controlling rabbits to sustainable populations and restricting their territory to inside Ring Road should protect UVic's neighbours from unwanted rabbit intrusions.

The University has conducted feral rabbit counts in various locations on campus at different times, and understands that the population varies from month to month. It is clear that the average number of rabbits inside the Ring Road is more than the University is currently able to accept. The damage caused and the hazards created are unacceptable. The rabbits outside the Ring Road in areas designated as "rabbit free" (estimated to be 800±) will be eliminated, and numbers inside the Ring Road must be significantly reduced. This position is also supported by the neighbourhood associations surrounding the University property.

The University has consulted with the BC Ministry of the Environment and the BCSPCA in the development of this management plan. The University is committed to following humane procedures to achieve its objectives.

Rabbits will not be allowed to be relocated from UVic without a plan in place to address their sterilization.

## Rabbit Control Zones

Rabbit Control Zones 1, 2, 3 & 4 (See Appendix "A") will be managed over time to bring the population down to no more than 50 rabbits per zone for a targeted total population of 200 rabbits (this number to be monitored and re-evaluated over time). To manage these Rabbit Control Zones, the University will seek some form of community volunteer support to establish a program of trap / neuter / release or a male vasectomy program to reduce the population of those managed areas recognizing this may need to occur over a four to five year period.

The University will look to the public to support this initiative through financial and volunteer contributions.

The University will consider, with community support, the establishment of a feeding program to reduce the damage to vegetation, and to encourage the rabbits to remain in these zones.

## Rabbit Free Zones

Rabbits in the RFZ will be trapped and euthanized using humane methods.

There are already too many rabbits in the Rabbit Control Zones, therefore rabbits will not be relocated to these areas.

UVic will examine options for controlling the population which may include hiring contractors.

Should groups or individuals come forward in advance and indicate a willingness to accept rabbits, the University will accommodate those requests subject to the necessary permits being obtained, and the costs associated with capture, neutering, and relocation being provided by the community or the receiving facility.

The University will commence trapping and euthanizing rabbits in the designated RFZ beginning in the summer months. It is expected that the remaining rabbits not captured in the summer will be trapped in the winter months when it is easier to capture them due to their hungry state, and when there are fewer young rabbits.

Should there be rabbits that can not be captured after the winter capture program the University may need to consider other humane methods to eliminate the remaining rabbits, using lessons learned to date.

## Implementation

The University will first focus on the 'Rabbit Free Zones' on campus.

Areas outside the Ring Road will be targeted with a phased cull of rabbits commencing in 2010. To ensure the personal safety of the individuals conducting the cull, the timing and location of this activity will not be shared with the public.

Sanctuaries willing to obtain the necessary permits and address the cost of the trap / neuter / relocate program are encouraged to contact the University at [www.uvic.ca/rabbits](http://www.uvic.ca/rabbits). The Ministry of Environment permitting procedures and other information is accessible via this website.

It is hoped that a Trap / Neuter / Release (TNR) or Vasectomy Program can be incorporated into the management of the Rabbit Control Zones. It will commence in 2011, and continue for the ensuing two to three years. The University will entertain proposals from the public and on-campus volunteers for assistance with this component of the program and for the establishment and operation of feeding stations. Should volunteers not come forward, the University will reassess its approach to managing these areas.

The University will establish an information campaign to inform students, staff and the community about the management of the feral rabbit population.

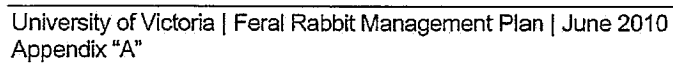
The University will provide regular updates on its website, for the benefit of the neighbouring community associations and others who may want to get involved.

### Contact Information

For information on the Feral Rabbit Management Plan, please visit [www.uvic.ca/rabbits](http://www.uvic.ca/rabbits).

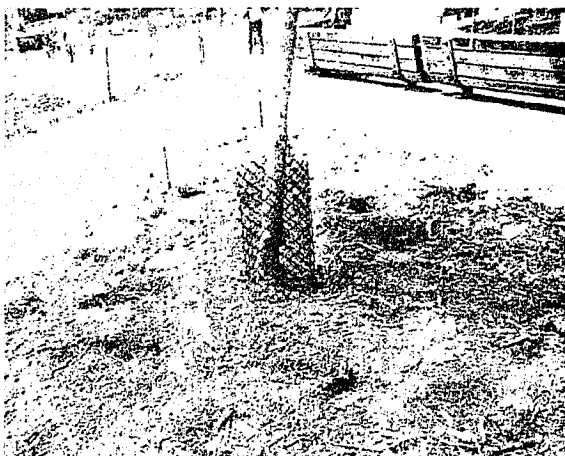
Comments may be directed to:

Tom Smith  
Executive Director, Facilities Management  
University of Victoria  
Saunders Building, PO Box 1700, Stn CSC  
Victoria, BC V8W 2Y2  
[tomfmgt@uvic.ca](mailto:tomfmgt@uvic.ca)



## Appendix "B"

### Examples of Rabbit Damage on University of Victoria Campus



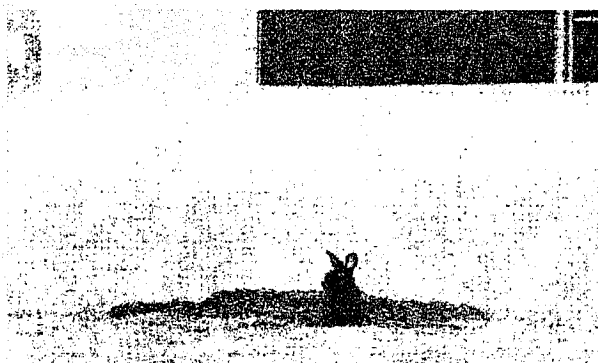
*Rabbit damage on the west side of UVic Centre*



*Rabbit damage to trees at Cluster Housing*



*Rabbit damaging a tree at Cluster Housing*



*Damage on Wallace rugby field*



*Rabbit damage to a Tulip tree in front of the Mearns Centre Library*



*An example of UVic's rabbit population*



The Best Place on Earth

August 9, 2010

File: 78560-50/RABB

Email: [tomfmg@uvic.ca](mailto:tomfmg@uvic.ca)

Mr. Tom Smith, Executive Director  
Facilities Management University of Victoria  
Saunders Building  
PO Box  
1700 STN CSC  
Victoria BC V8W 2Y2

Dear Mr. Smith:

Thank you for your phone call of August 6, 2010, regarding the management of feral rabbits at the University of Victoria (UVic). In response to our conversation I am providing the following information for you.

Although British Columbia (BC) is home to one native species of hare (snowshoe hare, *Lepus americanus*) and two native species of rabbits (white-tailed jackrabbit, *Lepus townsendii* and Nuttall's cottontail, *Sylvilagus nuttalli*), Vancouver Island does not have any native species of hare or rabbit. It does, however, have two non-native species of rabbit that have been increasing in numbers since initial introduction. One of these, the European rabbit, originated from domestic rabbits that escaped or were released. Abandoned pet rabbits over the years have resulted in a feral population of between 1,400 and 1,600 rabbits at the UVic campus. Without a natural predator on Vancouver Island, this population of rabbits will continue to increase unless population-control efforts are applied.

The ministry is aware that the UVic has decided to address the feral rabbit population on campus. The ministry has met with the UVic to discuss the management options for the feral rabbits at the UVic campus, and ministry believes that the UVic has the right to kill rabbits on the UVic property.

Section 76 of the *Wildlife Act* (the Act) states, "On the escape from captivity or the release or abandonment of an animal that is not a domestic animal, the government acquires the ownership of that animal." The ministry considers feral rabbits to be invasive, non-native wildlife species and lists them under Schedule C of the Designation and Exemption

.../2

Ministry of  
Environment

West Coast Sub Region  
Environmental Stewardship and  
Parks and Protected Areas Divisions

Mailing Address:  
2080A Labieux Rd  
Nanaimo BC V9T 6J9

Telephone: 250 751-3100  
Facsimile: 250 751-3208  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

Regulation of the *Wildlife Act*. This schedule lists mostly non-native wildlife species that are known to destroy property or are detrimental to native wildlife. Species listed on Schedule C have fewer restrictions regulating their hunting, killing or capturing. European rabbits can be captured or killed anywhere, at any time, in British Columbia without requiring a hunting licence to hunt or kill them. Any capture or killing of Schedule-C wildlife must abide by provincial laws regarding the humane treatment of animals, as well as laws regarding trespass. In British Columbia, a person is authorized to use a trap, other than a leg-hold trap, for wildlife listed in Schedule C on land owned or occupied by that person, or with the permission of the owner or occupier of private land. Furthermore, the Designation and Exemption Regulation of the *Wildlife Act* states "If a person injures wildlife listed in Schedule B or C, the person must kill that wildlife." For these reasons, organizations such as UVic can choose to trap and humanely euthanize feral rabbits as a management strategy.

We are aware that some people may prefer the use of non-lethal management methods; however, the ministry supports the UVic in their efforts to manage these feral rabbits and will not compel or coerce the UVic to use non-lethal methods. Because the ministry recognizes that this is a unique situation and that this population of feral rabbits has resulted from the abandonment of pets, we have considered some unique solutions to this issue. For example, the ministry provided a permit for the possession of 51 European rabbits to a facility that was housing these animals off site. From December 2009 to February 2010 a pilot project was conducted on the UVic campus to assess the efficacy of trapping, sterilizing, and relocating feral rabbits.

Furthermore, the ministry has drafted a permit process that will allow individuals to obtain up to two feral rabbits from the UVic. This only applies to feral rabbits originating from the UVic campus, for a limited time, and only sterilized rabbits will be considered. For the possession of wildlife, we required a Wildlife Sundry Permit (Permit type 2(j) – Applicable fee \$55/year) available through the Permit and Authorization Service Permit Bureau (PASB).

The ministry has also drafted a permit process for rabbit sanctuaries. Once again, this only applies to feral rabbits originating from the UVic campus, for a limited time, and only sterilized rabbits will be considered. The sanctuary shelters will undergo an inspection prior to permit approval. The ministry would like to avoid the situation we had in Kelowna, where inadequate shelters allowed unsterilized rabbits to escape into the surrounding communities and exacerbate the situation. The ministry is also requesting letters of support from the local governments presiding over the location of the rabbit sanctuaries (for sanctuaries in other provinces or states; letters from the applicable provincial, state, or federal government agencies are required). Please note that under the Spheres of Concurrent Jurisdiction of the *Community Charter*, a municipality may regulate, prohibit, and impose requirements in relation to invasive alien species such as European rabbits. Potential applicants are encouraged to contact PASB for permit information if they wish to pursue this option <http://www.env.gov.bc.ca/pasb/>.



Mr. Tom Smith, Executive Director  
University of Victoria

- 3 -

August 9, 2010

As of August 9, 2010 the ministry has inspected two and approved one rabbit sanctuary (for up to 60 rabbits) and continues to help clients with their permit applications. Although it is our understanding that the UVic has been coordinating trapping efforts with rabbit advocacy groups to provide an opportunity to place rabbits in sanctuaries, the UVic is not required to, nor has the ministry asked UVic to, suspend rabbit control methods until rabbit sanctuaries are constructed and permitted.

Thank you again for your interest in the feral rabbit population at UVic.

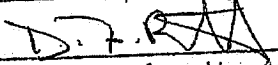
Yours truly,



Michael Stalberg, RPBio  
Fish & Wildlife Section Head  
Environmental Stewardship Division  
West Coast Sub Region

## EXHIBIT K

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

  
A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
Barrister and Solicitor  
University of Victoria  
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Telephone: 250-721-7985

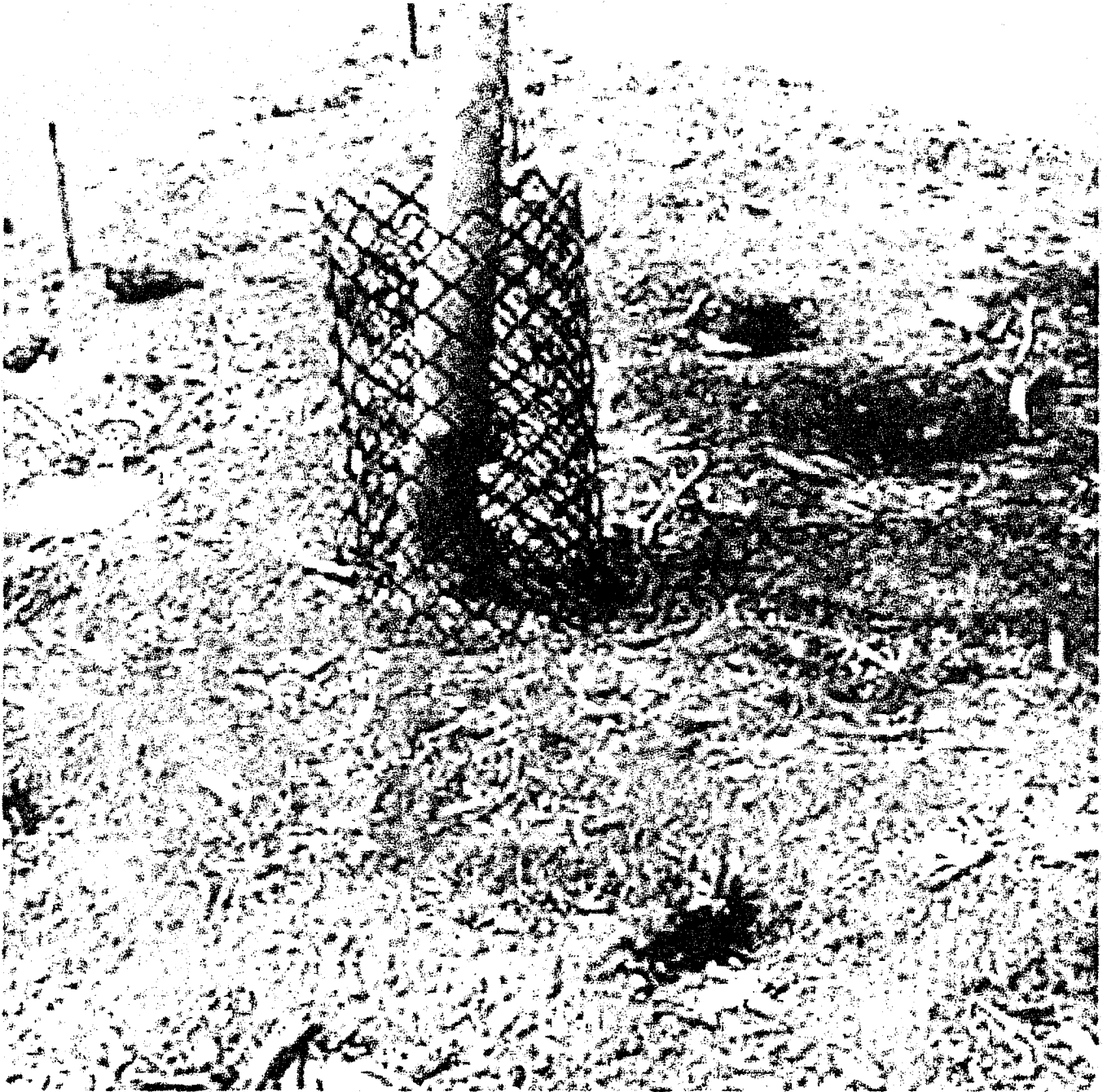


EXHIBIT L

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this 11 day of August 2010

D. F. Barnhardt

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# EXHIBIT M

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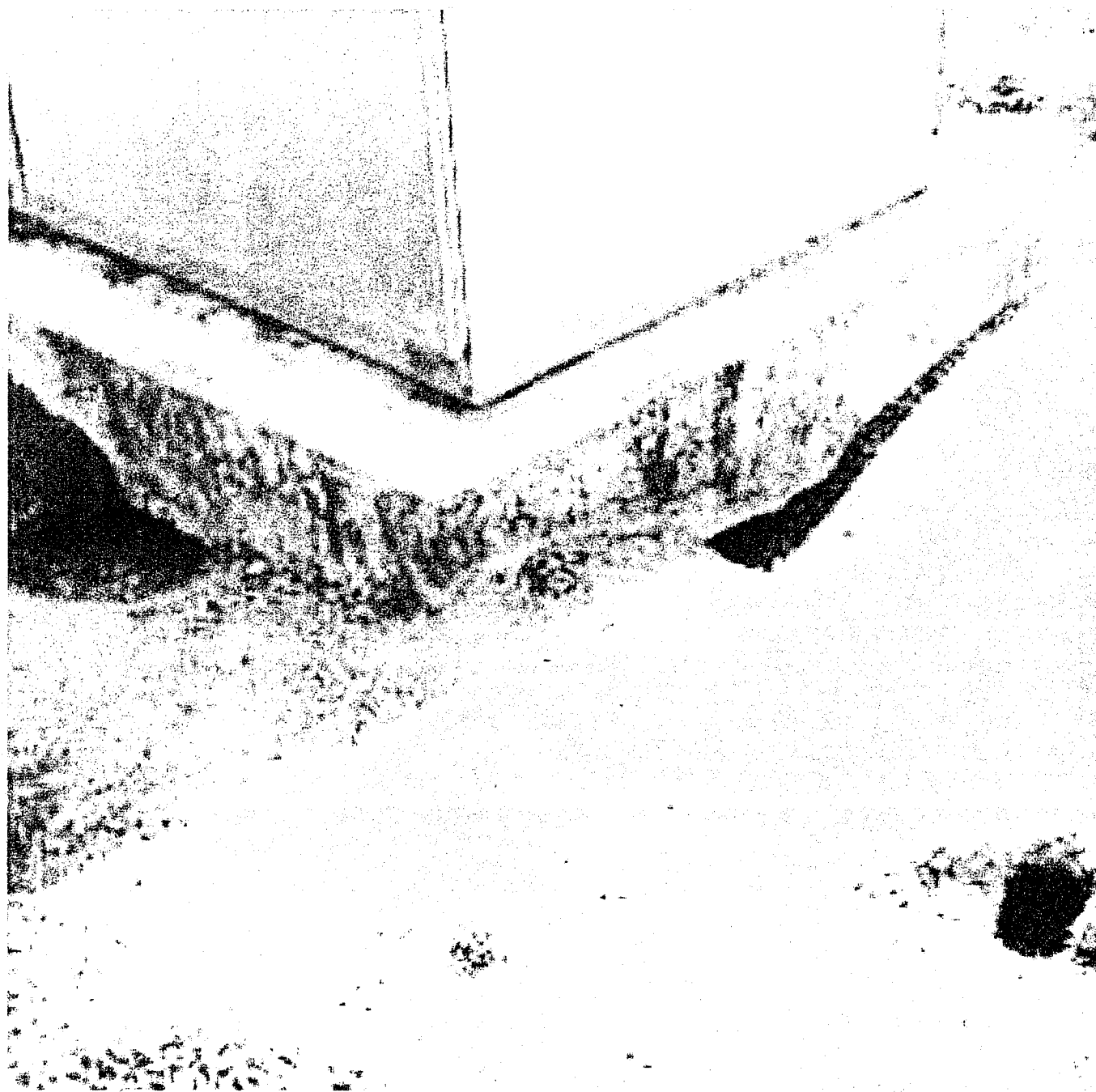


EXHIBIT N

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D. F. B. A.

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## EXHIBIT O

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## EXHIBIT P

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## EXHIBIT Q

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EXHIBIT R

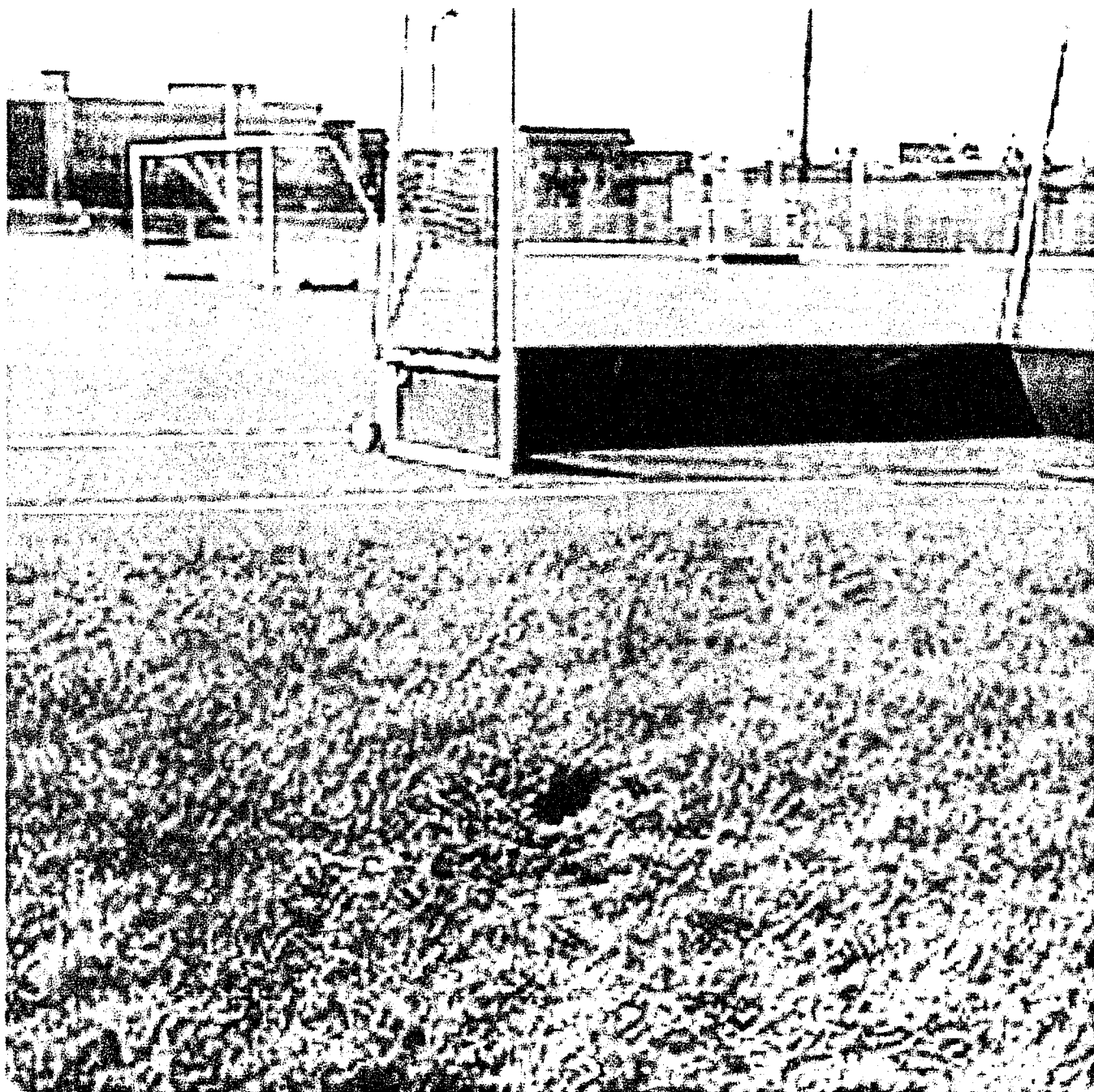
This is Exhibit "R" referred to in the  
Affidavit of Thomas Smith  
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this 11 day of August 2010

D. F. R. A.

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## EXHIBIT S

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this 11 day of August 2010

D.F. B. A.  
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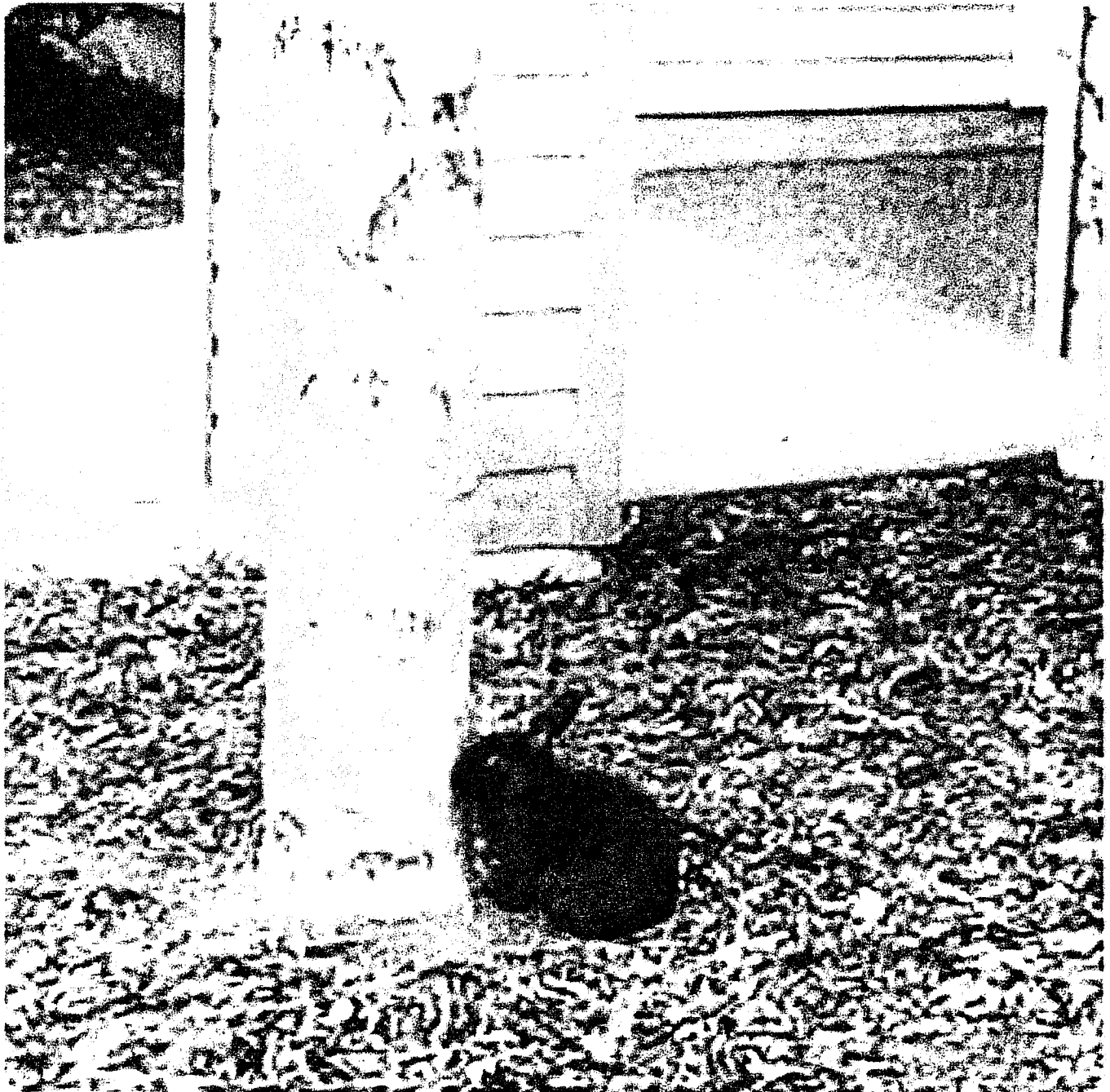


EXHIBIT T

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

D. F. Barnhardt  
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## EXHIBIT U

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11<sup>th</sup> day of August 2010

D. F. Barnhardt  
A Commissioner for taking Affidavits  
within British Columbia

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## EXHIBIT V

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this 11 day of August 2010

D. F. Barnhardt  
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## EXHIBIT W

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2016

D. J. Barnhardt

A Commissioner for taking Affidavits  
within British Columbia

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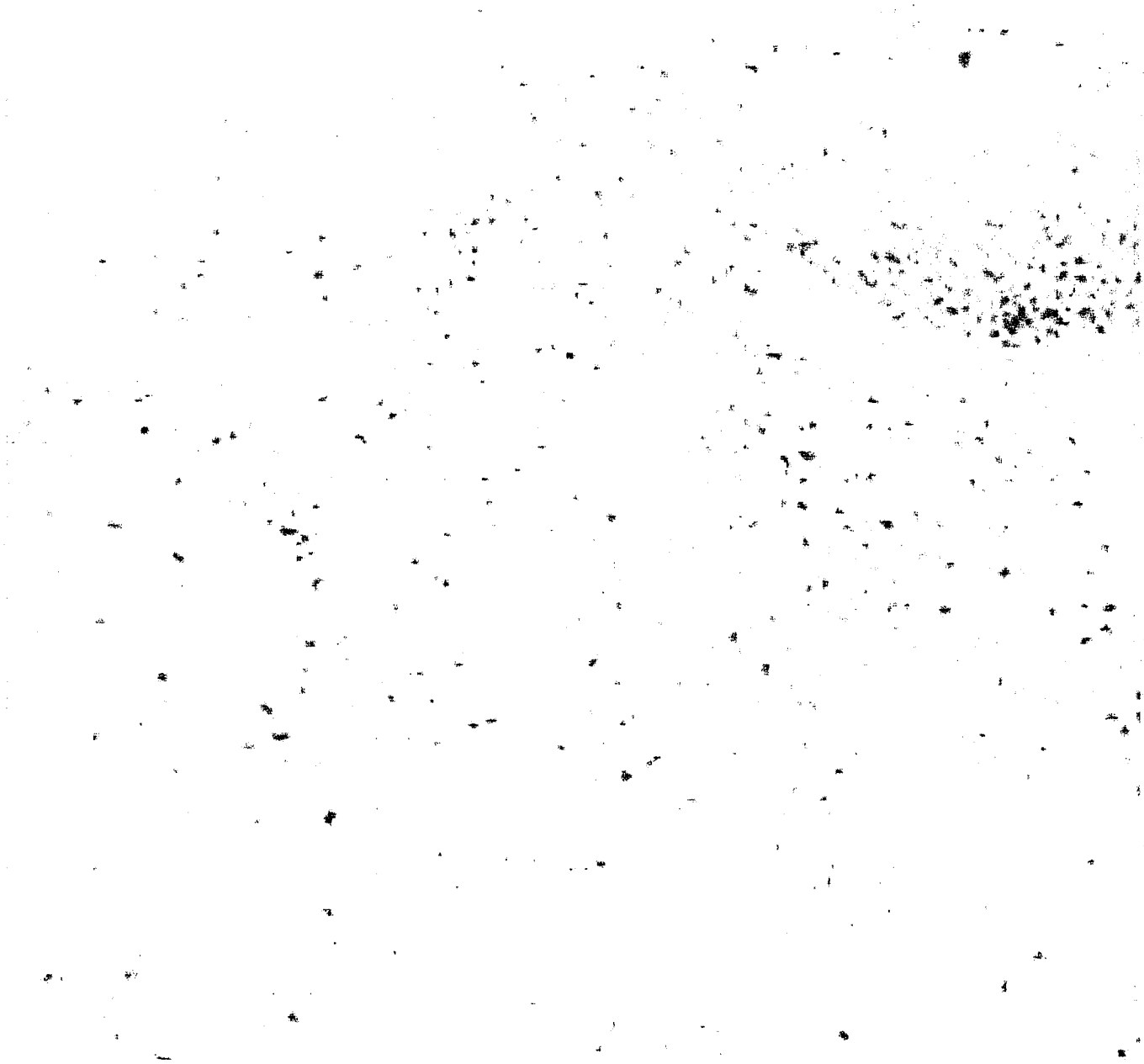


EXHIBIT X

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
this 11 day of August 2010

D. F. R. A.

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within British Columbia

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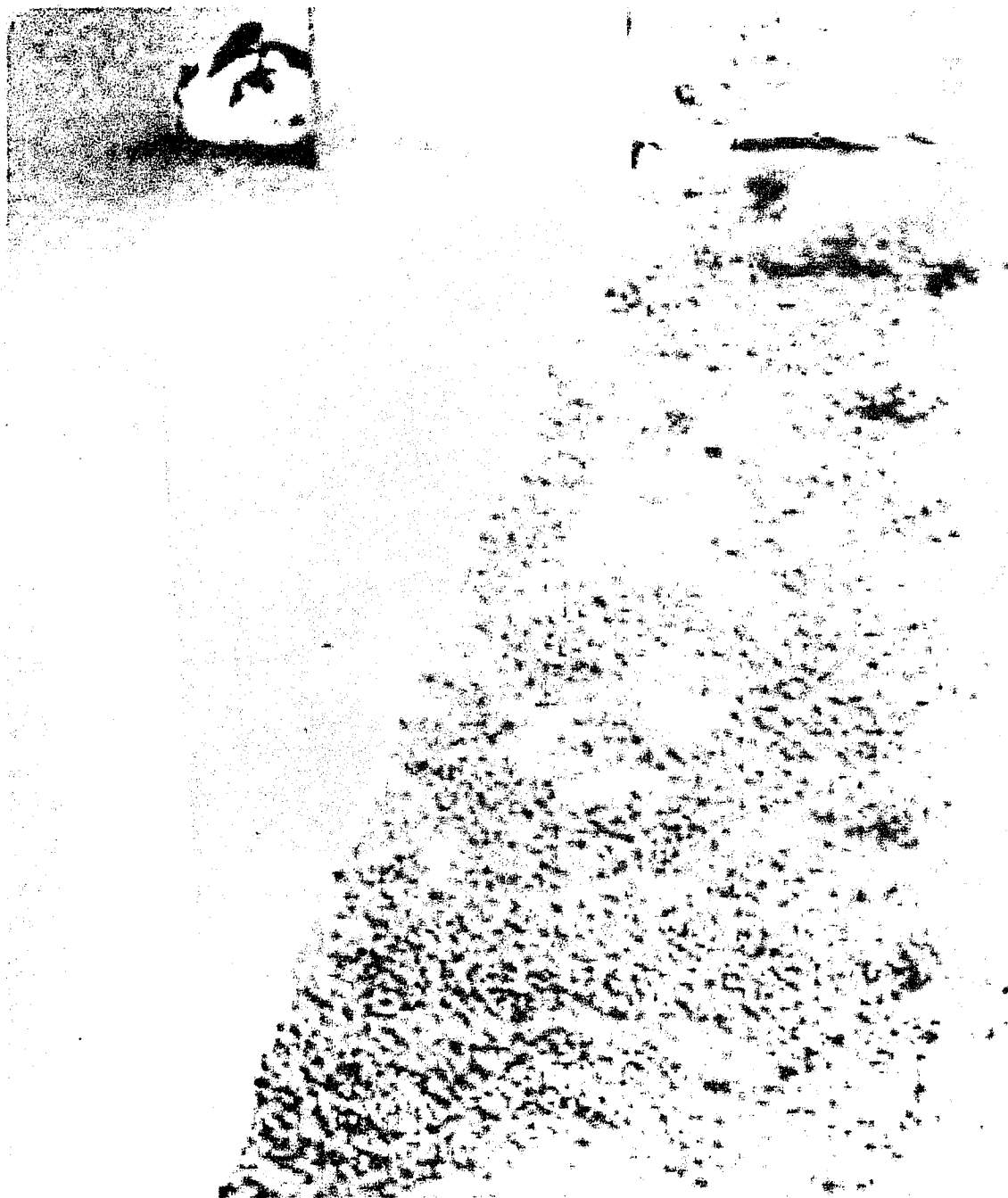


EXHIBIT Y

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Affidavit of Thomas Smith  
Sworn before me at Saanich, B.C.  
this 11 day of August 2010

D.F.B.A.

A Commissioner for taking Affidavits  
within British Columbia

DON BARNHARDT  
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## EXHIBIT Z

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this 11 day of August 2010

D. J. Barnhardt

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EXHIBIT AA

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this 11 day of August 2010

D.F.B. ★

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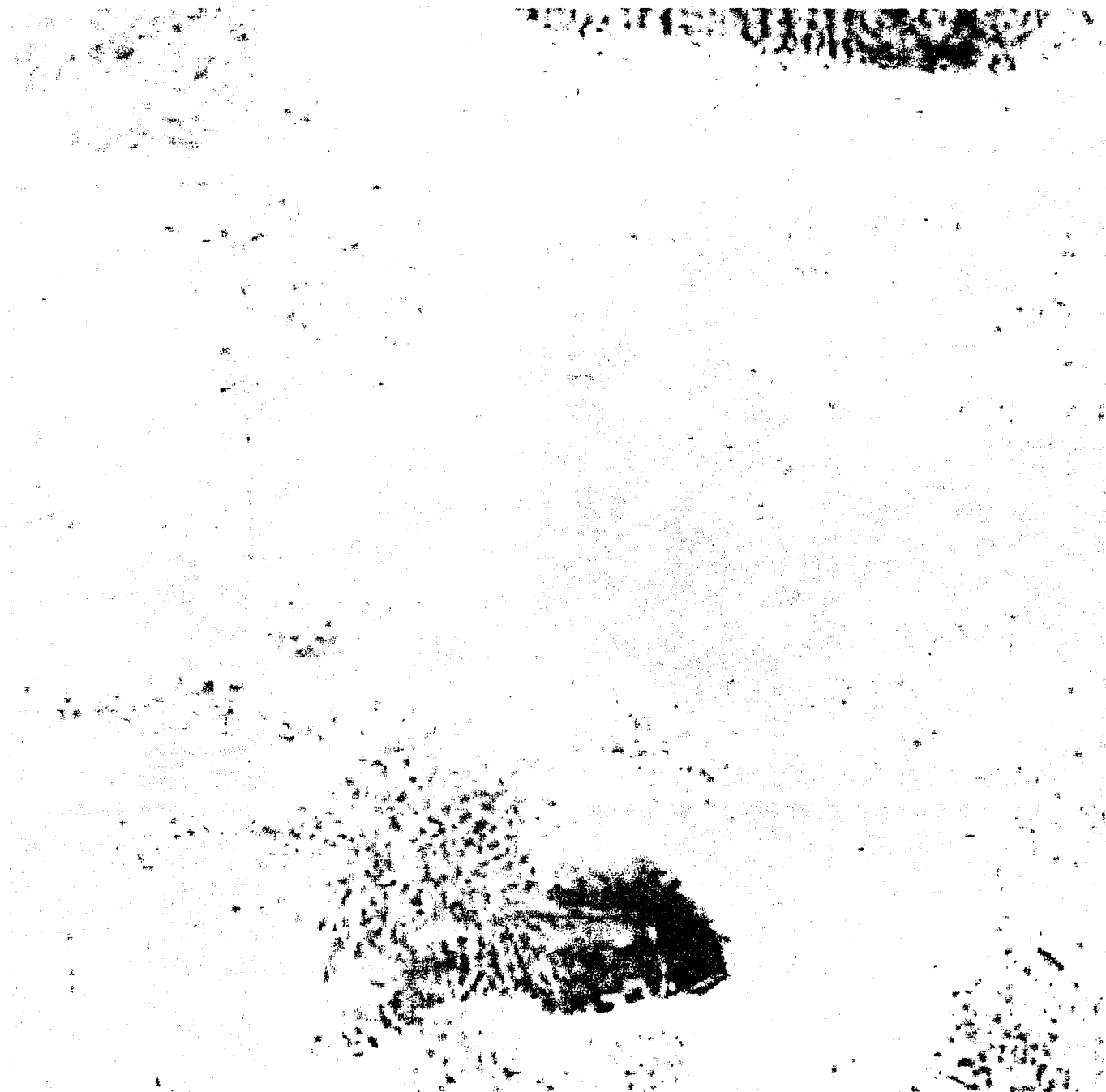
## EXHIBIT BB

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Affidavit of Thomas Smith  
Sworn before me at Saanich BC  
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D. F. R. A.

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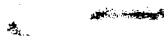
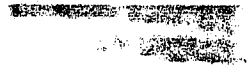


## EXHIBIT CC

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this 11 day of August 2010

D. F. Barnhardt  
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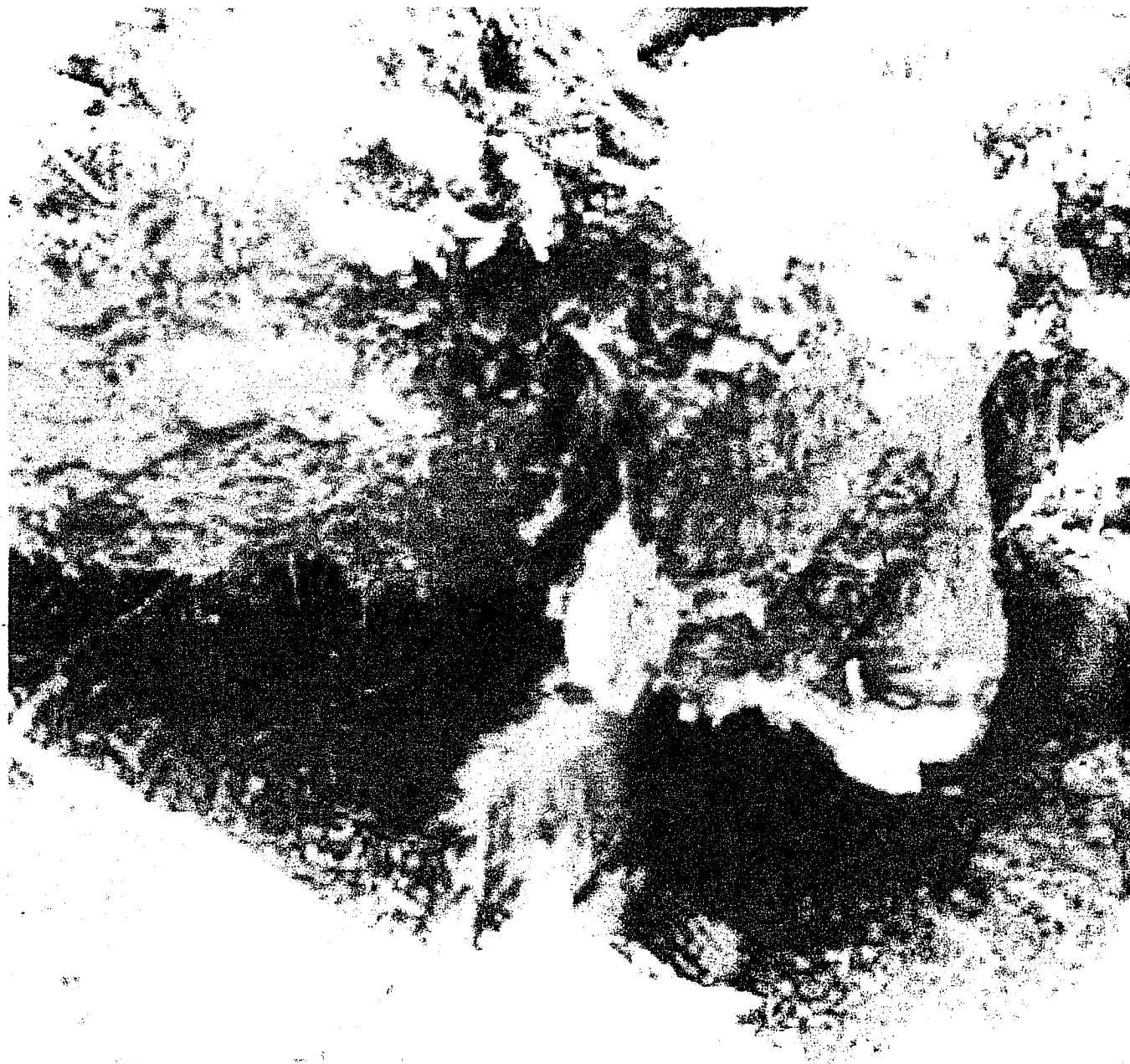
## EXHIBIT DD

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Affidavit of Thomas Smith  
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D. J. R. A.  
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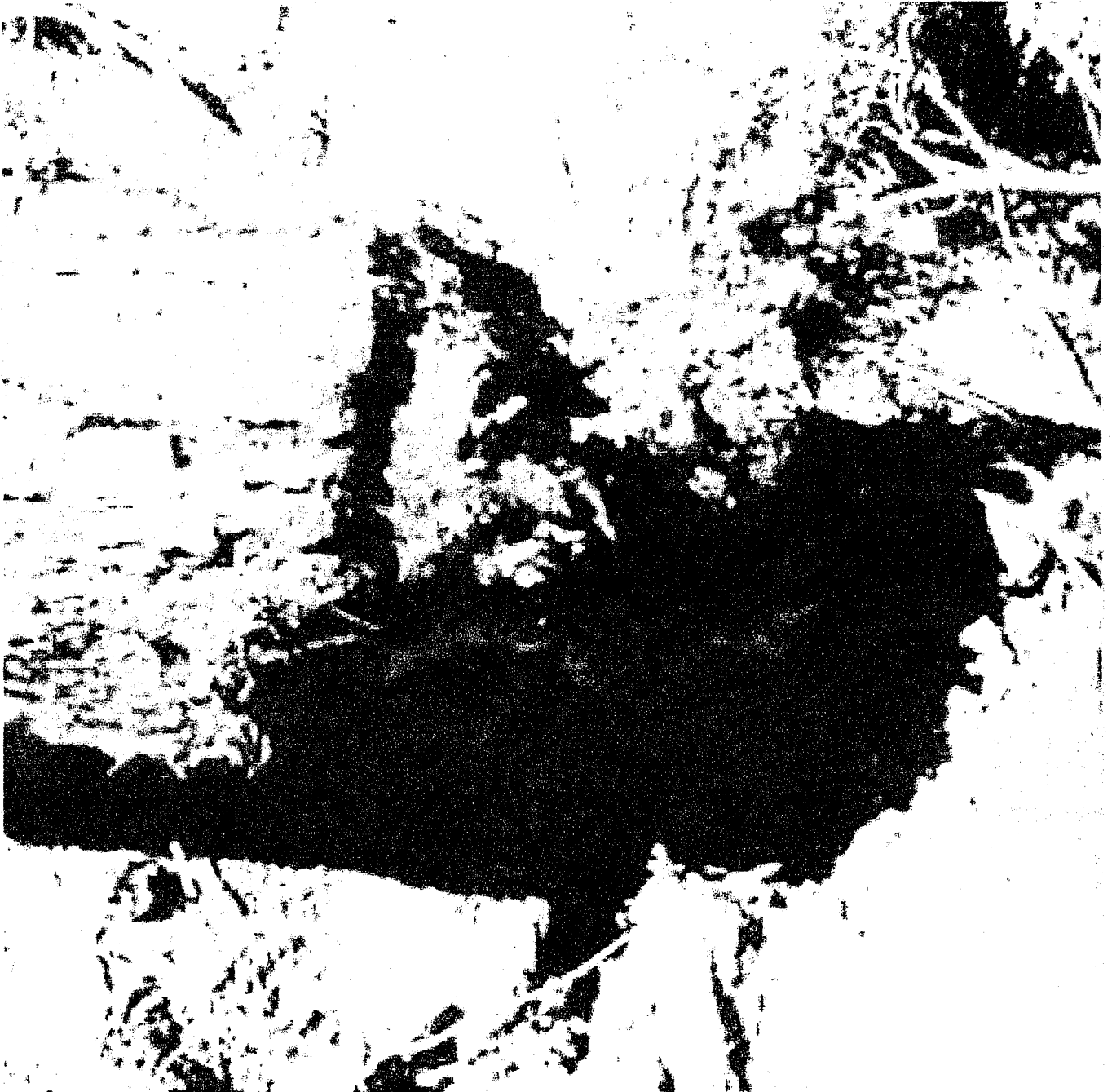
## EXHIBIT EE

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## EXHIBIT FF

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