

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER COMMUNITY SAFETY
SUBJECT: **REGULATING THE SALE OF BEAR SPRAY**
PURPOSE: To seek Council approval to bring forward proposed amendments to the Business Licence Bylaw and Bylaw Notice Enforcement Bylaw to regulate the sale of bear spray in Burnaby.

RECOMMENDATION

THAT the City Solicitor be authorized to bring forward amendments to Burnaby Business Licence Bylaw 2017, substantially as set out in Attachment 1 to the report titled "Regulating the Sale of Bear Spray" dated February 24, 2026; and

THAT the City Solicitor be authorized to bring forward amendments to Burnaby Bylaw Notice Enforcement Bylaw 2009, substantially as set out in Section 3.3 of the report.

1.0 POLICY SECTION

The proposed amendments align with the following Council-adopted policies:

- Burnaby Strategic Plan (2022); and
- Community Safety and Well-Being Plan (2025)

2.0 BACKGROUND

At the October 23, 2024 Public Safety Committee meeting, the Burnaby RCMP presented a verbal report titled "*Bear Spray Use in Burnaby – Examining the Issues*". The presentation highlighted the increasing use of bear spray in connection with criminal activity in the City. Burnaby RCMP noted that regulating the sale of bear spray would be a proactive public safety measure and could help reduce violent crimes involving bear spray, particularly among youth. RCMP also advised that jurisdictions with similar regulations have seen a significant decrease in bear spray-related incidents.

In response, the Committee recommended that staff draft a bylaw to regulate the sale of bear spray in Burnaby.

3.0 GENERAL INFORMATION

Bear spray is a type of pepper spray containing one to two percent capsaicin and is classified as a pesticide under the federal Pest Control Products Act. Health Canada's

Pest Management Regulatory Agency regulates the registration of pesticides before they may be imported, stored, or sold in Canada.

While provinces and territories can regulate the sale of pesticides, bear spray is classified as an excluded pesticide under British Columbia's Integrated Pest Management Act and Regulation. As a result, there are no provincial restrictions on its sale in British Columbia, and no vendor license is required.

Although the possession and sale of bear spray is legal, including to minors, its misuse may constitute a criminal offence. The sale of bear spray becomes a public safety concern when the product is used for purposes other than wildlife defense.

In response to public safety concerns, several Lower Mainland municipalities have introduced bylaws to regulate bear spray sale within their municipalities. Surrey, Chilliwack, Port Coquitlam, and Vancouver have enacted bylaws between 1998 and 2023 to regulate the sale of bear spray, particularly to minors, and require record-keeping. Surrey and Chilliwack restrict sales to outdoor and sporting goods stores, while Chilliwack and Port Coquitlam require retailers to store bear spray in secure locations that are inaccessible to the public.

3.1 Proposed Regulations on the Sale of Bear Spray

Staff have reviewed several options for regulating the sale and display of bear spray, guided by the following policy objectives:

1. Enhance public safety;
2. Ensure bear spray remains accessible for its intended use while limiting youth access; and
3. Support local businesses by minimizing financial and administrative burdens on retailers.

An outright ban on bear spray sales would disproportionately affect legitimate users. Police concerns are primarily focused on youth access and the risk of misuse in violent incidents. Staff therefore recommend targeted controls including limiting sales to outdoor and sporting goods retailers, requiring products to be stored in a locked area or otherwise inaccessible to the public, restricting purchases to individuals 19 years of age or older, and requiring photo identification and record-keeping for all sales of bear spray.

If Council approves the proposed bylaw amendments, authorized retailers selling bear spray would be required to collect and retain the following information for a period of 12 months from the date of sale, and make available upon request to Inspectors, as defined in the Business Licence Bylaw:

- Date and time of sale
- Product name and quantity sold
- Purchaser name and address
- Type of photo identification provided and the identification number

Requiring purchasers to provide photo identification is expected to deter misuse by increasing accountability at the point of sale.

3.1.1 Consultation with businesses and other stakeholders

Staff consulted with Burnaby businesses that sell bear spray to gather feedback on the proposed regulations. All expressed support for the recommendations and noted the changes would have minimal impact on their operations. Businesses confirmed they already follow similar practices, including verifying identification and securely storing bear spray in areas that are inaccessible to the public.

3.2 Business Licence Bylaw Amendments

The proposed amendments to Burnaby Business Licence Bylaw 2017 aim to strike a balance between protecting public safety and supporting local businesses. It is proposed that a new Schedule “H” be added to the Business Licence Bylaw to specifically regulate the sale of bear spray, as described in section 3.1 of this report. The proposed wording of Schedule “H” is set out in Attachment 1.

3.3 Bylaw Notice Enforcement Bylaw Amendments

To authorize the issuance of bylaw violation notices and penalties for contraventions of the proposed bear spray regulations, an amendment to the Bylaw Notice Enforcement Bylaw 2009 is required. This amendment will establish the applicable offences and corresponding penalties, as outlined in Table 1 below.

Staff recommend a fine of \$500 for violations of the proposed regulations, reflecting the potential risk to public safety and aligning fine levels adopted by other local municipalities for similar offences. The penalty amount of \$500 is the maximum available for a bylaw violation notice under the *Local Government Bylaw Notice Enforcement Act*.

Table 1: Proposed Bylaw Violation Notice Penalties

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 15 days)	A3 Compliance Agreement Available (50% reduction)
Schedule H	Bear Spray Regulations			
2.2(a)	Sell bear spray to person under 19 years of age	500	No Discount	NO
2.2(b)	Sell bear spray to person who does not present photo identification	500	No Discount	NO
2.3(a)	Failure to store bear spray in locked area or area inaccessible to public	500	No Discount	NO
2.3(b)	Failure to maintain record with required information for bear spray sale	500	No Discount	NO
2.3(c)	Failure to keep record of bear spray sale for 12 months	500	No Discount	NO
2.3(d)	Failure to provide bear spray sale record to Inspector	500	No Discount	NO

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

In accordance with the *Community Charter*, Council is required to provide public notice of its intention to adopt a bylaw related to business regulation and to offer affected parties an opportunity to make representations. To inform interested parties of the proposed amendments to the Business Licence Bylaw 2017 and the Bylaw Notice Enforcement Bylaw 2009, a public notice will be posted on the City’s website and included in the City’s online newsletter for electronic distribution through the City’s email subscription service, in accordance with the Burnaby Public Notice Bylaw 2023. All feedback received will be provided to Council prior to Final Adoption of the amendment bylaws.

5.0 FINANCIAL CONSIDERATIONS

None.

Respectfully submitted,

Graham de la Gorgendiere, General Manager Community Safety

ATTACHMENTS

Attachment 1 – Proposed Business Licence Bylaw Amendment

REPORT CONTRIBUTORS

This report was prepared by Clayton Hall, Manager Bylaw Services, and reviewed by Dan Layng, Chief Licence Inspector, Kyle Laplante, Staff Solicitor, and May Leung, City Solicitor.