

Talks For The Animals

Of mice and mens rea | Marcel Strigberger

By **Marcel Strigberger**



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(August 2, 2019, 10:25 AM EDT) -- An interesting story surfaced from our courts recently. Giant retailers such as Wal-Mart and Home Depot are apparently selling mouse and rat traps that contain glue. Toronto lawyer Sandra Schnurr, founder of a group known as Canadians for Animal Protection, filed a notice of application to ban these retailers and others, such as Canadian Tire, from selling these traps, arguing they are abusive in that they result in an agonizing and prolonged death to the animals.

She has sought standing before the court arguing that there is a genuine issue of justice and that people must speak up for those who cannot do so themselves.

The respondents in turn filed a motion to dismiss her application calling it an abuse of process, arguing in part, that the group does not have enough at stake in the issue to merit standing. Superior Court Justice Lorne Sossin has reserved his decision for now.

This case raises some interesting points.

Just how is one to deal with the likes of mice and rats?

On a recent visit to a store, I noticed those traditional mouse traps where you pull back a spring bar and lure the creature with a piece of cheese. Woe is it, should it take the bait. It would suffer a fate not unlike Marie Antoinette. Actually, the package notes that you need not even supply the cheese. It comes with a yellow cube that closely resembles a tempting piece of Emmenthal. At least I suppose the process, though a bit gross, is not lingering, though deceptive.

I also saw a device that emits a shrieking high-pitched noise which only rodents can hear. It supposedly drives them nuts and they flee. Personally, I have some trouble with that one as I cannot stand loud noises. I have problems even listening to the Rolling Stones. I believe this noise option device is a cruel form of warfare and it should be banned under the Geneva Convention.

I also recall the story of the Pied Piper. The residents of the town of Hamelin promised to pay this piper a sum of money if he rid the place of a swarm of rats. He did his job but when the town reneged on paying, he resumed his piping resulting in him leading the town's children out. It is a fable but nonetheless it would not surprise me if some entrepreneur soon comes up with startup piping service. He might call it something like "Eeek? I've Got Just the Tune.

Unfortunately, animal abuse is prevalent everywhere and it should be addressed. The added problem in this case is we are dealing with creatures which are uninvited guests in our homes. This is not the case with other animals which unfortunately are hunted, like bears or foxes or wild ducks, for pure "sport," or cattle for food. I have yet to lose sleep hearing noises coming from my basement, sounding like moo.

As well, I think of the legal maxim that a party seeking equity in the courts must do so with clean hands. I have never carefully observed a mouse's hands, but I have seen those non-manual deposits left behind.

Nonetheless manufacturers should strive to create products to rid the scene of mice and rats, without

causing undue suffering.

Meanwhile the judge has not yet rendered his decision as to whether or not to first grant the applicant standing to even argue whether the traps should be banned. He did not toss the application out there and then as requested by the retail respondents. At least this shows he did not view this matter as a Mickey Mouse case.

Marcel Strigberger retired from his Greater Toronto Area litigation practice and continues the more serious business of humorous author and speaker. Visit www.marcelshumour.com.

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