

IN THE MATTER OF THE *PREVENTION OF CRUELTY TO ANIMALS ACT*,
R.S.B.C. 1996, c. 372
ON APPEAL FROM A REVIEW DECISION OF THE BC SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS CONCERNING THE SEIZURE OF
FOUR CATS

BETWEEN:

SUMER SINGH

APPELLANT

AND:

BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia Farm Industry
Review Board:

Jane Pritchard, Presiding Member

For the Appellant:

Sumer Singh

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

May 30, 2025

Location of Hearing:

Teleconference

A. Overview

1. This is an appeal pursuant to s. 20.3 of the *Prevention of Cruelty to Animals Act, R.S.B.C. 1996, c. 372* (the PCAA) related to the seizure of four cats, one of which was subsequently surrendered, from the Appellant Sumer Singh, in Surrey BC (the Property). The three remaining cats (the Animals) are the subject matter of this appeal.
2. The Appellant is appealing the May 1, 2025, review decision issued under s. 20.2(4)(b) of the PCAA by Marcie Moriarty, Chief of Protection and Community Officer, of the British Columbia Society for the Prevention of Cruelty to Animals (the Society).
3. Section 20.6 of the PCAA permits the British Columbia Farm Industry Review Board (BCFIRB), on hearing an appeal with respect to animals, to require the Society to return the animals to their owner with or without conditions or to permit the Society, in its discretion to destroy, sell or otherwise dispose of the animals. The Appellant in this case is seeking the return of the Animals.
4. On May 30, 2025, a BCFIRB hearing panel (the Panel) held a hearing via teleconference. The hearing was recorded.
5. The Appellant was not represented by counsel. The Appellant gave evidence on his own behalf and called one witness, HK.
6. The Society was represented by counsel and called one witness, Special Provincial Constable (SPC), Cristie Steele.

B. Decision Summary

7. The first decision for the Panel is to consider whether the Animals were in distress at the time of the seizure.
8. The Society clearly documented through photos and veterinary records the unsanitary conditions, lack of ventilation with high ammonia levels, and lack of care and veterinary treatment at the time of seizure as follows:
 - Chronic accumulations of cat urine and feces in the environment,
 - Test strip readings for ammonia in the environment showing levels between 5 and 50 ppm,
 - Heavy chronic matting on the back of two of the three cats, and
 - Previous records from the Regional Animal Protection Society (RAPS) of cats surrendered prior to the Society seizure, which included a cat with a significant medical condition (bloody urine and a penile tumour) and several other cats with chemical burns on foot pads and wobbly walking.

9. The definition of distress in the PCAA includes the circumstances in which an animal is deprived of ventilation, care, or veterinary treatment, or is kept in unsanitary conditions. By this definition, the Animals meet the definition of distress and the Panel concludes that the seizure was justified.
10. The second decision of the Panel is to determine if it is in the best interests of the Animals to be returned to the Appellant. The Society clearly documents the Appellant's repeated history of having too many cats, eventually surrendering most of them, but allowing the subsequent accumulation of more cats, which occurred on at least three occasions since 2021. Each time the Appellant requested help with an overpopulation of cats, and cats were surrendered, unsanitary conditions with high ammonia levels were noted in the Property. The Appellant has a clear history of not following through on the directives given by the Society to limit the population of cats in his household and to maintain a sanitary living environment for the cats. To return the Animals to the Appellant would most certainly be placing them at risk of further distress. As such, the Animals will not be returned to the Appellant as the Panel finds this not in their best interests.
11. The third decision of the Panel is whether to make an order for the costs of care associated with the Animals. The Appellant did not dispute the costs submitted by the Society or his ability to pay them. The Appellant is ordered to pay the Society costs in the amount of \$5,878.82.

C. Preliminary Matters

12. Both the Respondent and the Appellant sent late submissions of photographs on May 29, 2025. Both sets of photographs were accepted by consent of all parties and were entered into the Exhibit List, as Exhibit 12 for the Appellant and Exhibit 13 for the Respondent.

D. Material Admitted on this Appeal

13. The Panel identified all the documents received by BCFIRB in advance of the hearing as exhibits. The record comprises Exhibits 1-13.

E. History Leading to Seizure of the Animals and the Day of Seizure

14. In March 2025, the Appellant sought the assistance of a local cat rescue to reduce the number of cats in his household. At the same time, a family member of the Appellant contacted the Society to inquire about surrendering 24 to 36 cats. However, due to the lengthy history of the Appellant with the Society, this request was denied and instead the file was forwarded to SPC Steele.

15. A staff member of RAPS, who had attended the Property in March 2025 at the Appellant's request to remove cats, phoned the Society hotline on March 21, 2025, to request the Society's assistance concerning the welfare of the cats at the Property. SPC Steele then worked closely with RAPS throughout the surrender and was kept informed of the condition of both the cats and the Property.
16. While approximately 44 cats were removed by RAPS by April 4, 2025, RAPS was still concerned with the three cats that were not surrendered and an additional 5 to 6 cats that reportedly escaped from the house during the removal.
17. RAPS described the conditions of the Property at the time of their surrender as follows:
 - The cats were living in unsanitary conditions and had no litterboxes,
 - The floors were curling up from cat urine, and
 - The home had an overpowering odor of ammonia that could be noted from outside.
18. On April 10, 2025, SPC Steele applied for a warrant to enter the Property immediately, based on the description of the problem as provided by RAPS, and the Appellant's history with the Society.
19. The Appellant's history as documented in the Society's investigation files, lists repeated events of household overpopulations of cats held in unsanitary conditions. For example, in 2021 the Appellant had 11 cats, in 2022 he had 15 cats, and in 2024 he had over 30 cats. The Appellant permitted his cat population to grow, repeatedly, to numbers that he reported that he could not accommodate. These circumstances continued to arise despite many recorded efforts by the Society to educate and warn the Appellant on the problems of the unsanitary conditions from cat urine and feces and the related harm of high ammonia levels in the environment.
20. RAPS also reported possible untreated medical conditions in the surrendered cats and the cats that were left on the Property.
21. The warrant was executed on April 10, 2025, by SPC Steele at the Property. The Appellant was not home, but he was contacted by telephone and informed of the execution of the warrant. At the time four cats were present at the Property. The Society made the decision that these 4 cats were in distress due to the documented unsanitary conditions, the high documented ammonia levels in the Property, and also due to the chronic untreated heavy matting on two short-haired cats, a condition which is unusual and can reflect underlying untreated problems. Four cats were seized and removed from the Property.
22. On May 7, 2025, the Appellant surrendered one of the four cats (Little Cat) to the Society.

F. Review Decision

23. On May 1, 2025, Ms. Moriarty issued her review decision (the “Review Decision”) in which she outlined her reasons for not returning the Animals to the Appellant. She reviewed:
- Information to Obtain Warrant (ITO) & Signed Warrant – April 10, 2025;
 - File #389621 Inspection Follow-up Details (IFD) – April 10, 2025;
 - Notice of Disposition – April 10, 2025;
 - Veterinarian Records for the Cats – April 10, 2025;
 - Current Status List of the Cats;
 - Various email submissions from the Appellant and sent on the Appellant’s behalf; and
 - Five historical files related to the Appellant.
24. Ms. Moriarty was satisfied, based on the evidence, that SPC Steele reasonably formed the opinion that the Animals were in distress, in accordance with the PCAA, and her action to take custody of the Animals to relieve them of distress was appropriate. Ms. Moriarty further determined that that the Animals would not be returned to the Appellant. That decision was based on the health conditions of the Animals, including untreated chemical burns to feet while in the Appellant’s care, the ongoing issues with the living conditions at the Property and the Appellant’s repeated history of failing to address the problematic living conditions, despite the assistance and directions provided by the Society. Ms. Moriarty also noted that one of the Animals appeared to be an intact female and would therefore be particularly inappropriate to return to the Appellant.

G. Key Facts and Evidence

25. In an appeal under the PCAA, the Panel must determine whether the Animals were in distress at the time of the seizure and whether they should be returned to the Appellant. Below is a summary of the relevant materials, facts and evidence based on the parties’ written submissions and evidence presented during the hearing. Although the Panel has fully considered all the facts and evidence in this appeal, the Panel refers only to the facts and evidence it considers necessary to explain its reasoning in this decision.

Appellant Testimony

26. The Appellant stated that there was nothing wrong with the three cats that were seized, that the Property had been cleaned, and that he loves his cats and misses them. The Appellant stated that he has always had these three cats and that they were special to him. The Appellant identified the cats as Tina (a neutered male), Juju (a female that could not be confirmed as spayed), and Julie (a neutered male). Julie is the oldest at an estimated 7 years, and Tina and Juju are both estimated to be 4 to 5 years.

27. The Appellant stated that bleach had been used to clean and remove odours at the Property in the areas the cats were housed. The Appellant had not noticed any chemical burns on his cats' feet or legs that could have been caused by the bleach. He confirmed that he had noticed the matting on the back of Tina but said that "there was nothing wrong with that". He stated that he did not notice the matting on Juju. He agreed that Tina was a heavy cat and that Juju was not eating well, but did not agree that Juju had recently lost weight and was thin. When asked about the matting on the cats he stated that there was nothing wrong with that and confirmed that he had not taken cats to a groomer, or his veterinarian (Surrey Animal Hospital), for anything other than neutering.
28. When questioned about the cats that escaped out the window during the surrender undertaken by RAPS, the Appellant agreed that he was continuing to try to find them, that he was looking for them outside, and that he was putting food out in the hope they would come back.
29. When questioned about how many cats/kittens RAPS removed from the house, the Appellant said that he was unsure, but denied that it was 43 and suggested that RAPS was lying in reporting that number.
30. The Appellant agreed that there was damage and noticeable ammonia levels in the Property from cat urine soaking into walls and floors. The Appellant said he saw the pictures of the injuries to some of the cats when RAPS collected them that appear to be chemical burns from bleach. He also stated that he knew that concentrated bleach should not be used where the cats were housed. He confirmed he did not take these cats to his veterinarian. He repeated that repairs, painting and cleaning had been done, and that conditions were better. He also alleged that additional repairs (drywall and baseboard replacement) and painting may still need to be done.

Appellant Witness:

HK

31. HK works with the Appellant and has known him since 2008 through a painting business. HK has been to the Property, and before that to the Appellant's previous home, almost every day. He noted that there have always been cats in the Appellant's household, but that he never counted them.
32. HK stated that he was not surprised to hear that in April 2025, 43 cats had been removed from the Property. HK had on occasion, suggested to the Appellant that he should get rid of some of the cats, but noted that the decision was the Appellants. HK confirmed that the Property did smell a little because of the cats. HK stated that he has patted cats that came close to him without a problem. HK could not comment on the health of the cats as he is "not a cat doctor, not an expert". HK stated that he did not have any pets.

Respondent Witness:

SPC Steele

33. SPC Steele confirmed her credentials and work experience with the Society as a Special Provincial Constable since 2017. Although she was not the lead investigator on the Society's investigation in 2021 of the Appellant, she was the lead investigator on all the subsequent investigations concerning the Appellant.
34. SPC Steele relayed the details of the Society's experiences with Mr. Singh. The history identified ongoing problems with over-population of cats and repeated surrenders to various agencies. The investigations collectively noted the unsanitary conditions at the Property and the poor ventilation with resulting high ammonia levels. The history documented an increasing severity with numbers of cats, climbing from 11 in 2021 to over 48 cats in 2025. This escalation in population numbers occurred despite clear warnings and notices by the Society to the Appellant not to increase the cat population at the Property, to only have spayed and neutered cats, and to improve and maintain a cleaner environment for the cats.
35. When questioned specifically about the Animals, SPC Steele could trace a black and white male neutered cat named Julie back to 2021 but could not confirm or deny that it was the same cat in each instance. She noted that the cats named Tina and Juju, with the same descriptions as in this instance, could not be clearly linked to cats kept by the Appellant in 2021, 2022, and 2024.
36. SPC Steele confirmed the high ammonia reading in the Property (ranging from 5-50 ppm) at the time of the seizure, a lack of litter boxes, and a lack of much litter in any litter box that was present. The woodwork and floors were soaked in cat urine, there was cat feces in multiple areas of the Property, and the four cats that were seized were demonstrating fearful behaviour.
37. The veterinary findings from the cats surrendered to RAPS were described by SPC Steele and included:
 - a male cat that was urinating blood and was eventually euthanized by RAPS as it had a tumour on its penis,
 - several cats that were wobbly in their back ends and bleach toxicity was suspected,
 - several kittens that were underweight,
 - one cat that very recently had kittens, had no milk and was very thin,
 - several kittens that could not nurse, and
 - several cats with bleach contact chemical burns on their footpads and lower limbs.

38. SPC Steele described the veterinary findings regarding the Animals after the seizure as follows.
- All of the cats were noted as being fearful.
 - Tina is a male neutered, short haired, overweight cat with a body condition score (BCS) of 7/9, with severe matting on its back resulting in skin irritation and perianal dermatitis. Mats were removed by shaving.
 - Juju is a thin, short haired, female cat with marked loose skin suggesting recent weight loss, mild dehydration (5%), mildly elevated blood glucose, bad breath, waxy discharge from both ears but no infection and some matting of hair on her back. Mats were removed by shaving.
 - Julie is neutered male short haired cat in normal body condition (BCS 5/9).
39. SPC Steele stated that all three cats are “doing very well” and that Little Cat, who was surrendered, is a little less social than the other three cats and is currently up for adoption.

The Hearing of this Appeal

H. Analysis and Decision

40. Part 2.1 of the PCAA establishes the standards of care for animals and establishes a duty on those responsible for the animals to ensure those standards are met:
- 9.1** (1) A person responsible for an animal must care for the animal, including protecting the animal from circumstances that are likely to cause the animal to be in distress.
- (2) A person responsible for an animal must not cause or permit the animal to be, or to continue to be, in distress.
- 11** If an authorized agent is of the opinion that an animal is in distress and the person responsible for the animal
- (a) does not promptly take steps that will relieve its distress, or
- (b) cannot be found immediately and informed of the animal's distress, the authorized agent may, in accordance with sections 13 and 14, take any action that the authorized agent considers necessary to relieve the animal's distress, including, without limitation, taking custody of the animal and arranging for food, water, shelter, care and veterinary treatment for it.

41. The definition of “distress” provides:

1 (2) For the purposes of this Act, an animal is in distress if it is

- (a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment,
- (a.1) kept in conditions that are unsanitary,
- (a.2) not protected from excessive heat or cold,
- (b) injured, sick, in pain or suffering, or
- (c) abused or neglected.

42. We have also proceeded on the basis that the Appellant has an onus to show, that the remedy they seek (return of the Animals) is justified. The first issue to consider is whether the Animals were in distress at the time of the seizure. Depending on the answer to that question, the next issue is to decide whether to return the Animals or whether doing so would return the Animals to a situation of distress.

43. The evidence presented by the Society through photos, veterinary records, and the testimony of SPC Steele clearly demonstrated the chronic unsanitary conditions at the Property including significant accumulations of urine and feces. The evidence further demonstrated poor ventilation at the Property resulting in harmful levels of ammonia. The Society’s evidence and the Appellant’s own evidence confirms a lack of veterinary care with untreated conditions found in the seized and surrendered cats, including:

- A surrendered cat with blood in urine and a penile tumour,
- Multiple cats with untreated contact chemical burns on footpads, and
- Heavy solid matting on the backs of two of the cats, one over-weight and one underweight.

44. The Panel has little difficulty in finding that the Animals were in distress at the time of the seizure due to unsanitary living conditions, lack of proper ventilation, and lack of veterinary treatment.

45. No evidence was presented by the Appellant to confirm that the unsanitary conditions and poor ventilation at the Property had been corrected, nor was a plan presented by the Appellant to maintain sanitary conditions over time. The Appellant also did not submit any evidence to demonstrate a history of addressing any health issues with a veterinarian for his cats or provide a plan to prevent future accumulation of cats, which has historically led to an overpopulation of cats on the Property.

46. The Appellant’s history with the Society as recounted by SPC Steele identified repeated instances of overpopulation of cats living in unsanitary conditions with high ammonia levels in the Appellant’s households. It is disturbing that the history also indicates an increasing intensity in the overpopulation over time, (11 cats in 2021, 15 in 2022, over 30 in 2024, and over 47 cats in 2025) despite the efforts of the Society to direct and assist the Appellant.

47. The Appellant clearly enjoys the company of cats and testified that he missed them a lot and that he considers them his family. Despite this, he was unclear on how many cats/kittens were present at the Property. If the Appellant was aware of the significant health issues of some of his cats as he indicated, he did not seem to be aware that these problems needed attention and treatment.
48. The Appellant is either unwilling or unable to provide appropriate housing and care for his cats. He repeatedly recreated the same overpopulation crisis of cats at the Property by housing a mixed population of unneutered animals and allowing them to breed in unsanitary conditions. He also continued this pattern, despite the many documented instances of the Society telling him not to and warning him “that future failures to manage your cat population would likely result in legal action”.
49. The evidence clearly shows that over the last 4 years no improvement has been sustained in the care of the cats under the Appellant’s control, giving the Panel no confidence that it would be any different this time if the Animals were returned. The Panel finds that returning the Animals would place them at a high or immediate risk of distress from the same problems, and that it is in the best interests of the Animals to not be returned to the Appellant.

I. **Costs**

50. Section 20 of the PCAA states:

20 (1) The owner of an animal taken into custody or destroyed under this Act is liable to the society for the reasonable costs incurred by the society under this Act with respect to the animal.

(2) The society may require the owner to pay all or part of the costs, with or without conditions, for which he or she is liable under subsection (1) before returning the animal.

(3) Subject to subsection (4), the society may retain the proceeds of a sale or other disposition of an animal under section 17 or 18.

(4) If the proceeds of a sale or other disposition exceed the costs referred to in subsection (1), the owner of the animal may, within 6 months of the date the animal was taken into custody, claim the balance from the society.

(5) Payment of costs under subsection (2) of this section does not prevent an appeal under section 20.3.

51. Section 20.6(c) of the PCAA provides that on hearing an appeal the board may “confirm or vary the amount of costs for which the owner is liable under section 20 (1) or that the owner must pay under section 20 (2)”.

52. The Society is seeking costs as follows:

(a) Veterinary costs:	\$2,655.26
(b) SPCA time attending to removal:	\$246.51
(c) <u>Housing, feeding and caring for the Cats:</u>	<u>\$2,977.05</u>
(d) Total:	\$5,878.82

53. On the matter of costs, the Society's submissions provide detailed cost accounting, including invoices for veterinary care and detailed estimates on the daily operating costs associated with the care of the Animals. The calculation of these estimates has been reviewed and supported in previous appeals. The Appellant did not question the costs and stated that he was willing to pay them.

J. Order

54. In accordance with s. 20.6 (b) of the PCAA, the Society is permitted, in its discretion to destroy, sell or otherwise dispose of the Animals.

55. In accordance with s. 20.6(c) of the PCAA, that the Appellant is liable to the Society for costs in the total amount of \$5,878.82.

Dated at Victoria, British Columbia this 13th day of June, 2025.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Jane Pritchard, Presiding Member