

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 DOGS, THREE CATS and ONE GUINEA PIG

BETWEEN:

LOUISE MCANERIN

APPELLANT

AND:

BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia Farm Industry
Review Board:

Wendy Holm, Presiding Member

For the Appellant:

Louise McAnerin

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

June 9, 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 dogs, three cats and one guinea pig (the Animals) from the Appellant Louise McAnerin, in Prince George, BC (the Property).
2. The Appellant is appealing the May 9, 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, to sell or otherwise dispose of the animals. The Appellant in this case is seeking the return of the Animals.
4. On June 9, 2025, a BCFIRB hearing panel (the Panel) held a hearing via teleconference. The hearing was recorded.
5. The Appellant was not represented by counsel. She gave evidence on her own behalf and called one witness.
6. The Society was represented by counsel and called no witnesses.

B. Decision Summary

7. The Animals were in clear distress at the time of seizure due to the unsanitary living conditions at the Property. The Appellant acknowledged that the Animals were in distress and that it was in their best interests to be taken into the care of the Society. The Appellant failed to take any responsibility for the unsanitary living conditions which she blamed on her illness prior to the seizure, despite the evidence that the unsanitary conditions were apparent prior to her illness. The Appellant further failed to show that she had made the changes necessary to support a return of the Animals to her care.
8. The Animals are to remain with the Society in its discretion to destroy, sell or otherwise dispose of the Animals. The Appellant is ordered to pay the Society costs in the amount of \$10,658.91.

C. Material Admitted on this Appeal

9. The Panel identified all the documents received by BCFIRB in advance of the hearing as exhibits. The record comprises Exhibits 1-16.

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

10. The Appellant's history with the Society dates back to 1996 and is well documented in the materials submitted by the Society.
11. Prior to 2004, the Society undertook multiple inspections of the Property in response to complaints. In each instance, the Appellant was compliant with the Society Orders and no animals were apprehended.
12. From 2004 to 2022, the Society received 36 complaints concerning the welfare of animals under the Appellant's care. Investigations initiated in response to these complaints resulted in the seizure of 178 animals by the Society and the laying of seven criminal charges on multiple counts of animal cruelty and breach of probation under Section 24(1) and Section 24(5) of the PCAA. In each case, the Appellant was found criminally guilty, sentenced to probationary periods ranging from 18 months to 5 years, and was banned from owning or caring for animals other than two companion dogs during the probationary period. In 2004, 2008 and 2021, the Appellant appealed the Society's no return review decisions; all appeals were dismissed.
13. Between March 25 and April 6, 2025, as further described below, the Society received four complaints about the welfare of animals in the Appellant's care. Specifically, the complainants alleged the Appellant was keeping several dogs, cats, and guinea pigs in cluttered and unsanitary conditions, such that the animals were living in "squalor".
14. On March 25, 2025, a complaint was received from a neighbour of the Appellant who complained that the animals were living in squalid conditions, that the smell of feces was "going down the trailers" and that neighbours were having to endure the smell of having all these dogs in a very small area.
15. On March 31, 2025, a second complaint was received from the Appellant's mental health support worker. The mental health worker shared the following information with the Society:
 - The Appellant had phoned her in distress and reported that one of her animals had died inside of her trailer, and that the home was now infested with flies and had a strong odor due to the decomposing body. The Appellant explained that she had not been feeling well physically or mentally, and as a result had fallen behind on feeding her animals. She stated that the fly infestation prompted her to check on the animals, at which point she discovered one of her dogs had died. The Appellant said she had apologized to the animals, had since provided them with food, and had more food prepared for them. The Appellant stated that the deceased dog was still inside her trailer and that she intended to be the only one to handle and bury the animal.

- On June 3, 2025, the complainant provided a written statement to the Society reiterating the above noting that when she visited the Appellant with a Social Worker on January 24, 2025, the house was very cluttered, there were animal feces on the floor in the living area, and there was strong unpleasant odor throughout the trailer.
16. On April 2, 2025, a third complaint was received alleging the Appellant was keeping animals confined in her home in unsanitary conditions contaminated with feces and that the situation was deteriorating.
 17. On April 6, 2025, a final complaint was received from an anonymous caller who complained of a foul odour while walking past the trailer, that the animals were living in unsanitary conditions, and that there were feces everywhere. The complainant stated that the Appellant had too many animals. The complainant further stated that the animals “were okay” in February, but that the situation had deteriorated such that they no longer considered that to be the case.
 18. Special Provincial Constable (SPC) Deborah Goodine visited the Property on April 7, 2025. The Appellant met her outside, breathing heavily and wearing a mask. The Appellant told SPC Goodine that she was sick, had been sick “for a long time” and could not breathe and speak at the same time. The Appellant told SPC Goodine that she had asked for help with the animals but no one had come, and that she had plans to move before she became ill. The Appellant denied SPC Goodine access to her home and brought four dogs (three adult males and one adult female) out for SPC Goodine to inspect. All of the dogs were in good body condition. The Appellant showed SPC Goodine three large bags of dog food in her SUV. SPC Goodine explained to the Appellant that she was concerned about the conditions inside her home and that the animals could not live in an environment contaminated with feces. SPC Goodine issued the Appellant a Society Notice to address any sanitation and ventilation concerns within 18 hours.
 19. SPC Goodine applied for a warrant which was executed on April 8, 2025 with SPC Sarah Steeves and Royal Canadian Mounted Police Constable Smith. Three large male dogs were loose inside the Property, as was one small male dog, and two cats. A guinea pig with overgrown nails and matting on its hind end was found caged with water and hay (but no pellets) and a build-up of fecal matter. A third cat was found caged on the Property in a closed back room without water and a small litter box filled with feces. The cat’s cage sat atop an open dog kennel where a deceased large breed white dog lay decomposing. SPC Goodine advised the Appellant that all of the Animals, five dogs (one deceased), three cats, and one guinea pig, were going to be taken into custody by the Society.
 20. When asked how the dog in the back room died, the Appellant told SPC Goodine that it was not deliberate, and that she had been sick and had asked for someone to come feed and water the Animals, but no one came. She further stated that she was “down for so many days” and that he [the deceased dog] was the only one

that did not survive. When asked by SPC Goodine how long she went without feeding and watering the Animals, the Appellant said she did not know.

21. At the time of the seizure, the Society's records show that the Property's floors were encrusted with dried fecal matter. The living area was cluttered with household items and debris with wide paths between the rooms. The back room where the deceased dog was found contained several dog crates and had an overwhelming odour of decay. Thick piles of feces, garbage and other debris were piled and encrusted on the floor.

E. Review Decision

22. On May 9, 2025, Ms. Moriarty issued her review decision in which she outlined her reasons for not returning the Animals to the Appellant (the "Review Decision"). She reviewed the Society's complete file for this matter and all of the information contained within the Society's historical files. The Appellant did not provide submissions as part of the Review Decision process despite being provided the opportunity to do so.
23. Ms. Moriarty was satisfied, based on the evidence, that the provisions contained in Section 10 of the PCAA had been met and that the Animals came into the Society's custody in accordance with the PCAA. Ms. Moriarty further determined that it was not in the best interests of the Animals to be returned to the Appellant as this would only prolong their distress.

F. Key Facts and Evidence

24. Below is a summary of the relevant facts and evidence presented at the hearing. It is worth noting that in this Appeal, the Society's response is based entirely on the historical record and the materials submitted regarding the current seizure. The Society called no witnesses and did not cross examine the Appellant.
25. Although the Panel has fully considered all of 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 it was her illness, not her lack of skills as an animal owner, that provoked the Society's intervention. She noted that since the seizure, she has made all of the changes necessary to ensure that the Animals are not returned to a situation of distress. She stated that her past history with the Society, which she feels does not have much bearing on the current situation, is being used against her. The Appellant stated that since her last interaction with the Society in 2022, her animals have been well looked after.

27. The Appellant testified that her illness came on suddenly, was prolonged, and that she had lost track of time as a result. She noted that for two weeks she was unable to get out of bed. The Appellant stated that, "My body was shutting down. I was getting dehydrated like my pets. But was so sick I didn't realize it." In her written and oral evidence, the Appellant said that while she was ill, she mostly slept, did not eat, drink or go to the bathroom, and that two neighbours checked in on her by phone once or twice a day.
28. The Appellant testified that prior to becoming ill, she had spent \$250 on dog, cat and guinea pig food, and that when she fell ill that she had asked a neighbour to come feed and water the Animals, but the friend was afraid of dogs and never came to assist.
29. The Appellant noted she would have called the Society for help, but was not comfortable doing so because she feared being "victimized for needing and asking for help." The Appellant said she knew the dogs needed to be "out of here" and safe until she got better. She testified that she knew that if she called the Society, they would "obviously" have taken the Animals, and she feared she would have had trouble getting them back.
30. The Appellant stated that while she now must live with the consequence of the death of her favourite pup, she wasn't in a responsible state at the time of his death due to her own illness.
31. The Appellant testified that while she was ill, she did what she could for the cats and the guinea pig, and left food out for the dogs. At some point the dogs began tearing the house apart looking for food and trying to get water from the toilet. The Appellant stated that she barely remembers arising from her bed and penning up the five dogs in their separate kennels in the back room to stop the destruction. This is also the point at which she realized that the friend who had promised to feed and water the dogs had not followed through. The Appellant acknowledged that her decision to crate the dogs in the back room was wrong and said, "but in a sick state of mind, I thought that was the thing to do then."
32. The Appellant stated that as a result of her illness she lost track of time but according to her calendar (which she normally updated daily; there were few notations during her illness), she became ill the week of March 16, 2025. She had a hospital appointment on March 20, 2025, but could not recall the appointment nor what it was for. She had a further virtual doctor's appointment on March 25, 2025, which resulted in a prescription for antibiotics delivered by the pharmacy.
33. After a week on antibiotics and painkillers, the Appellant said she began to improve, but by that time it was too late. When flies and a very bad smell permeated the home and she was able to reach the back room to check on the Animals, the Appellant discovered her dog Frost deceased in his kennel.

34. The Appellant testified that she was sick and depressed when she reached out to her mental health worker on March 31, 2025 to tell her about the deceased dog. She said the worker “could not handle her grief” and instead contacted the Society. The Appellant noted not only did no one offer to work with her during her illness, but no one offered her counselling, or relief or help with her Animals. Instead, the focus on her past mistakes, attitudes and accusations, fines and penalties made the process one-sided.
35. The Appellant testified that she was still ill on the day the Animals were apprehended by the Society. Her calendar notes that she was still under her doctor’s care on April 11, 2025, and was prescribed a second dose of antibiotics on April 19, 2025. The Appellant noted although she went back to the hospital and clinic two or three times for tests following the seizure of the Animals, she was never given a medical diagnosis.
36. The Appellant testified that aside from the current month she was up to date on her rent and that she was not under any eviction pressure. She said she wanted to move and had been looking for a larger place, but that the one she liked was not available until September. The Appellant also testified that she had acquired a scooter which she could use to take the dogs for walks if they were returned.
37. Regarding her mental health care worker’s complaint concerning feces on the floor and a strong odor in the home in January, the Appellant said that since they were puppies, the dogs would go in and out of the fenced yard through an open door to poop and pee, but as it became colder in winter, they stopped pooping outside and began pooping inside. The Appellant explained that vertigo made it very difficult for her to bend over to pick up the poop.
38. The Appellant testified that she had two friends that could assist her in the future if she needed help with the Animals. She identified the friend she had originally asked to assist prior to the most recent seizure who is afraid of dogs (she hopes to slowly socialize her with the dogs) and another friend (a former Society worker) who is presently recovering from major surgery.
39. The Appellant testified that she has made the following changes to ensure that the Animals are not returned to a situation of distress:
 - securing a dog sitter/back-up person to care for her Animals if she becomes ill;
 - cleaning up the yard, back room and guinea pig cage;
 - obtaining a scooter to take the dogs for runs;
 - working with a friend (former SPCA staff) to trim the nails of the guinea pig;
 - extending the yard space for the dogs; and
 - keeping all of the animals in the front part of the trailer with her so they are “not traumatized by being put in that back room again”.

40. The Appellant said she was willing to have the cats spayed/neutered so they can go outside, and while she preferred not to, would agree to having the dogs neutered as well. She also said she planned to start a group for single pet owners to help each other with feeding, watering and checking on pets when their owners are sick or hospitalized. She testified that this idea had received encouragement from local pet stores and veterinarians, who were agreeable to her posting notices in their businesses.
41. The Appellant stated that her income is just over \$2,000 a month and that she buys her dog food first. Her rent is \$1,000 a month, but she is presently not paying that much (with the landlord's permission) because she is fixing things up. The Appellant assured the Panel that she is able to look after the Animals financially to provide adequate "food, shelter, toys, blankets and fencing, exercise and stimulation", and is willing to submit to follow up checks (weekly or twice a week) from the Society to ensure these conditions are met should the Animals be returned.
42. The Appellant submitted that she has a great relationship with all of her Animals and that this case is different from the others in that it was provoked only by her illness. The Appellant stated that she loves her animals and had hand-picked every dog. She testified that she prepares the dogs a diet of meat and vegetables in a crock pot and they are also given dry dog food.
43. The Appellant stated that the Society had interacted with her in a rude and prejudicial manner, lacking in civility, kindness, understanding and a willingness to hear her side of the story. As an example, the Appellant noted the Society's dismissal of her Post Traumatic Stress Disorder (PTSD) condition as "not real" but rather an attempt to blame them for her depression.
44. The Appellant pointed out that when the Society sold her property in Grand Forks in 2010 to recover awarded care costs, "there was nothing left", that she has not yet regained her financial footing, and that this has resulted in a medical diagnosis of PTSD. The Appellant claimed that the Society fights with pet owners at every turn to make a bad situation worse.
45. The Appellant acknowledged that it was best for the Animals to be taken into care by the Society at the time of seizure due to her illness but submitted that it is time for them now to come home.

Appellant Witness

46. E.M. is from Grand Forks and has been a friend of the Appellant for 40 years. E.M. testified that while the housing of the Appellant's animals was at times unconventional, the Appellant "did not have a cruel bone in her body" and always loved and looked after her Animals which were always healthy and well fed.

G. Analysis and Decision

47. 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.

48. 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.

49. We have also proceeded on the basis that the Appellant has an onus to show that the remedy she seeks (return of the Animals) is justified. The first issue to consider is whether the Animals were in distress at the time of the surrender. 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.

50. In the Panel's determination of distress, the Appellant's prior history with the Society is not relevant, the consideration of distress relates only to conditions the Animals were under on the day of seizure. If the Animals are found to have been in distress on the day of seizure, the Appellant's history can then be considered as to whether or not any or all of the Animals should be returned.

H. Distress

51. The fact that the Animals were in distress at the time of seizure is not in dispute in this Appeal. The Appellant correctly agreed that the Animals' living conditions at the time of the seizure met the definition of distress under the PCAA, and that the

Society's decision to take them into protective custody was in the Animals' best interests. The Panel has no difficulty in finding, on the evidence as further described below, that the Animals were in distress at the time of the seizure.

I. Return of the Animals

52. In deciding whether or not it is in the best interests of the Animals to be returned to the care of the Appellant, the Panel has considered the Animals living conditions, the actions of the Appellant leading up to the seizure, and the Appellant's history with the Society.
53. Dr. Bianca Scheidt (DVM) is a veterinarian in mixed animal practice at the Animal Care Hospital in Williams Lake and Quesnel and is a member in good standing of the College of Veterinarians of B.C. After examining the Animals on intake, Dr. Scheidt submitted a report to the Society presenting her findings. That report has been included as an exhibit in the record of this Appeal.
54. With respect to the condition of the Animals on intake, Dr. Scheidt noted that all eight animals looked and checked out healthy with an overall good shape and weight for their body size and breed, except for the three cats, which were on the skinnier side. All of the Animals were bright, alert and responsive. The dogs were a little timid but liked to be close to a person. The cats were attentive, but did not want to be handled for too long. The guinea pig was okay, just a little defensive off and on when handled during the exam. The Necropsy Report on the deceased dog noted, "Dehydration was severe and is the most probable cause of death. No other underlying disease conditions were noted."
55. Dr. Scheidt commented on the Animal's environment based on her review of the warrant photographs. The following are her more significant observations.
 - a) She noted fecal and urine contamination in all areas where the Animals were housed inside and in the fenced yards, which also contained a lot of debris, dirt, feces and small pieces of garbage like paper, plastic, wood, rubber, strings, boxes, containers, and food bags, etc. She noted a test showed an ammonia level of 20 ppm even with open doors before the constables arrived that day.
 - b) The linoleum flooring in all areas was very dirty with debris, fecal matter and likely dried urine. Some areas of the flooring were damaged and the dirt, feces, and urine was soaking into the floor and wood underneath. The flooring was very contaminated and appeared to have a thick layer of dry feces and dirt and hair all over, besides the garbage that was laying around in pieces.
 - c) The surrounding furniture, possessions and wire kennels were all contaminated with dirt and splatters of fecal matter and the walls and doors have paw prints on them (likely fecal contamination and dirt from the floors) and smears of dirt on the entryway wall.

- d) There were four visible wire cages on the ground with no bedding. Two had no flooring, just wire, and the other two had black plastic flooring. The flooring in those kennels and the cage wire walls were contaminated with fecal matter.
- e) The back room had a lot of plastic totes, litter box containers, and dog bedding on top of the cages and some open and ripped food bags available. Behind the clutter, there was another wire kennel on the wall with a black cat in it. The kennel size looked sufficient for the cat, but the dishes and litter box were contaminated and no food or water was found in the enclosure at the time.
- f) One yard was fenced with a green wire fence and the ground consisted of dirt and fecal matter in some areas. Another yard was fenced with a wooden fence and a metal green fence leaning against it, and one part fell over halfway and was sticking out into the area and could warrant a danger for injuries for the dogs. The ground was dirt and contaminated with fecal matter as well. There was a sharp edged either thick plastic or stone broken in multiple pieces over the ground.
- g) The urine contamination on the linoleum floor with damaged areas of the floor surface and lack of ventilation in the home was causing the moderate to high reading of ammonia levels, which could also cause secondary health issues not just for the Animals, but also for the humans living in this dwelling. Ammonia is highly irritating to the eyes, throat and respiratory tract and with prolonged exposure can possibly lead to upper respiratory disease, coughing, upper airway swelling, irritation and fibrosis of the lung.
- h) There did not appear to be enough ventilation in the home to decrease the Ammonia level.
- i) There was a concern with the fecal contaminated environment the animals were living in. It seemed like there was no clean food or water bowls found, nor clean cage flooring or living space flooring. This feeding practice can lead to health issues like diarrhea and parasitic infestations, especially with younger animals. Younger animals harbour a high load of internal parasites like roundworms and hookworms, especially when housed in an un-sanitised, fecal contaminated area. The fecal matter all over the home was dry and indicated that it had been there for a longer period of time and the splatter of dried feces on the walls, furniture and wired kennel walls, suggests that there had been some diarrhea from some animals at some point. The flooring surface of the home was partially damaged and the exposed wooden floor underneath, as well as the plastic flooring in the kennels or through the wires without flooring in the kennel, were inappropriate for housing animals as, even if feces had been regularly removed, it would be impossible to sanitize or remove the urine which would soak into these materials.
- j) The dogs were able to go outside in the fenced yards, but there were other hazards that the dogs would encounter. There is more space to walk and play in the yard, but when dogs rough house and play, they will likely hit

some sharp edges from things laying around, trip in the holes that they dug out or trip over materials laying all over the yard and sustain other injuries. Yard space needs to be free of hazardous materials and fences should be secured and be prevented from falling.

56. In her conclusions, Dr. Scheidt notes:

- a) The Animals were not being provided adequate basic needs of water, proper clean and safe housing, adequate ventilation, exercise, or veterinary care.
- b) Food was accessible or available at the time of the visit for the dogs and guinea pig, but not for the cats. As per the body conditioning scoring of the Animals, the dogs and the Guinea pig were in acceptable condition, which means that they were provided the basic needs of food. As for the cats, they were skinny and there seemed to be no food freely available for any of them, which suggested that the food provided to these cats was insufficient and lacking and could cause stress, suffering and lack of energy, and could lead to emaciation and death.
- c) The lack of availability of adequate and clean water at all times for these Animals, would certainly cause suffering and distress and could potentially lead to dehydration, especially in younger animals, as they require more water intake due to their inability to concentrate their urine at a younger age.
- d) The lack of adequate ventilation in the home where the Animals were housed is very concerning. Moderate high levels of ammonia are a cause of distress and potential ongoing health concerns for animals and humans, especially for young animals who are more sensitive to the negative effects of poor air quality. The cat in the back room in the kennel, that was closed off with boxes and bedding and the very foul-smelling odorous deceased dog below the cat's kennel, did likely not have enough ventilation either and likely caused her to be extremely stressed. That stress caused her chronic tearing, as she was confined and could not get away from these smells. The guinea pig also was very close to the urine contaminated bedding and inhaled the ammonia easily which caused the tearing from his eyes.

57. The Appellant's uncontested evidence was that she became ill in mid-March, and for two weeks was unable to get out of bed. The Appellant asked a friend to come feed and water the Animals but realized when the dogs began tearing apart the home searching for food and trying to get water from the toilet that this had not occurred. It is unclear how long the dogs were in this state of distress. Rather than reaching out for help, the Appellant penned the dogs in separate kennels in the back room; it is not clear whether they were provided with food or water at that time.

58. Some days later the presence of flies and a very strong foul odor caused the Appellant to check on the dogs. When she discovered the dog Frost dead in his kennel, the Appellant said she released the remaining dogs from their kennels and began feeding them again. It is unclear when Frost died, the necropsy report

estimated it could have occurred as early as March 25, 2025. However, it is clear that the Appellant discovered Frost's body some days following his death because of the odor of decomposition.

59. The Appellant has submitted that her present situation is very different from her past interactions with the Society. She states that she has learned from her past experiences and that everything was fine until she got sick. The Appellant argues that the Panel should set aside her culpability for the Animals distress because she "wasn't in a responsible state at the time due to illness... I was sick and that's the only reason I had problems this time. If I hadn't got sick and everything was like that, nobody would have heard from me..."
60. The Appellant's predominant focus on her own illness demonstrates a failure on her part to recognize that it was the unsanitary and hazardous environment of her home that put her Animals in distress. This failure is particularly problematic given the considerable resources that the Society has expended over decades to educate the Appellant on good animal husbandry practices.
61. While the build-up of feces and ammonia levels observed on the day of seizure were likely exacerbated by the Appellant's illness, the evidence shows that the conditions resulting in the Animals' distress pre-dated the Appellant's illness:
 - The statement from the Appellant's mental health support worker notes that she observed feces on the living room floor and that the trailer had a strong, unpleasant odor during her January 2025 visit. The Appellant acknowledged this statement by the support worker as being accurate, explaining that as winter set in, the Animals began pooping in her home and that her Vertigo makes it difficult for her to pick up the poop.
 - The Appellant's long history with the Society shows that on six occasions (2004, 2007, 2008, 2012, 2015 and 2021) animals belonging to the Appellant were similarly apprehended to alleviate distress caused by unsanitary living conditions and the failure to provide sufficient water.
62. The Appellant acknowledged that caging the dogs in the back room while she was ill was a mistake but failed to identify the steps she could have taken while ill to relieve the distress of the Animals. The Appellant testified that neighbours were checking in with her by phone daily and evidence shows that she had both a social worker and a mental health care worker. When the neighbor failed to materialize to feed and water her dogs, she could have called out for help. When she saw the dogs tearing apart the home to find food and water, she could have called out for help. Instead, she locked the dogs in separate kennels in her back room and as a result, a healthy dog died due to extreme dehydration.

63. The Appellant testified that she has cleaned up her home and her yard but provided limited photographic evidence of those efforts. Of the seven photos submitted, only one was of the inside of the home. A photo of the back room showed improvement over conditions on the day of seizure, but there still appeared to be feces on the floor, and no other photos were provided to show the interior of the home. Nor were there any photos showing that the outside pen areas that the Appellant claimed had been cleared of debris and hazards. The other six photos consisted of a photo of a freezer containing dog food, a photo of what appears to be the animal food preparation area, a photo of a new dog toy, and three photos of the dogs in happier times. The Appellant's plan to start a group for single pet owners to provide mutual support is meritorious, but unactualized.
64. The Appellant argued that her history should not be used against her. The Panel would have been more open to this argument had the Appellant explained what she had learned from her past interactions with the Society and how that experience and the education they provided had helped her become a more responsible pet owner. Instead, the Appellant blamed the treatment she had received from the Society over the years for her inability to trust the Society. This lack of trust, she claimed, prevented her from asking the Society for help when she was ill because she feared they would keep her Animals. The Appellant admitted this decision served her interests, not the interests of the Animals, and that the dog Frost died as a result.
65. The Appellant further faulted her mental health worker for being unable to "handle her grief" and the friend who promised to look after her Animals but failed to do so.
66. The Appellant claimed to deeply love her Animals and stated that she considered them to be her family. However, the Appellant refused to take any responsibility for her Animals' distress at the time of seizure. As the Animals' owner, she is responsible for their care whether she is feeling well or not. Arguing that she should be absolved from the living conditions to which she subjected the Animals prior to the seizure, due to her own illness, is essentially acknowledging that she cannot manage the care of the Animals even with all of the care (social worker, support worker, Society) that was available to her.
67. The Appellant has further failed to properly appreciate that the conditions that led to the Animals' distress pre-dated her illness. Her Property was clearly not a healthy environment for the Animals long before she became ill and the seizure occurred. She has provided little evidence of any efforts made to ameliorate those conditions and she has provided no substantive plan to ensure the distress does not reoccur.
68. Given careful consideration of the evidence presented in this Appeal, the Panel finds that it is in the best interests of the Animals to remain with the Society, noting they have been all described as good candidates for re-homing.

J. Costs

69. 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.

70. 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)”.

71. The Society is seeking costs as follows:

- (a) Veterinary costs: -----\$1,032.02
- (b) SPCA time attending to removal: ----- 438.24
- (c) Housing, feeding and caring for the animals:-----\$9,197.65
- (d) Total:----- \$10,658.91**

72. 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.

73. The Appellant argues that the costs claimed by the Society are excessive, noting her small dog ate very little and as a senior citizen she should pay less. She said she has made arrangements to borrow the money and wishes to negotiate costs if the Animals are returned. She also requested a return of the \$100 fee to file this Appeal. The Appellant stated she would pay nothing if the Animals were not returned.

74. The Panel finds the Society’s costs are well supported and justified in the circumstances, particularly given the Appellant’s acknowledgement that the Animals were in distress at the time of the seizure and that it was in their best interests to be taken in the Society’s care. The PCAA does not allow for discounts based on the age of the Appellant and previous panel’s have generally not

considered the Appellant's ability or intentions with respect to payment. The Appellant's statement that she is only willing to pay the Society for the care that it has provided for her Animals if she is successful on this Appeal is not a helpful submission.

75. The Panel finds that the Appellant is responsible pursuant to the PCAA for the costs sought by the Society.

K. Order

76. The Panel orders pursuant to s. 20.6(b) of the PCAA that the Society is permitted in its discretion to destroy, sell, or otherwise dispose of the Animals, with the obvious hope that they will be adopted unless circumstances somehow preclude that possibility.
77. The Panel further orders, pursuant to s. 20.6(c) of the PCAA, that the Appellant is to pay the Society for its costs in the amount of \$10,658.91.

Dated at Victoria, British Columbia this 20th day of June, 2025.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Wendy Holm, Presiding Member