

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 THIRD-PARTY
SURRENDER OF
NINETEEN DOGS AND ONE CAT

BETWEEN:

A.K.

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
Abra Brynne, Member

For the Appellant:

Vickram Sidhu, Counsel
A.K.

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

November 4, 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 third-party surrender of 19 dogs and one cat to the British Columbia Society for the Prevention of Cruelty to Animals (the Society). The surrendered animals belonged to the Appellant A.K. and were removed by the RCMP from her residence in White Rock, BC (the Property).
2. Since the surrendered animals have been in the Society's care the number of animals has increased as a result of certain pregnant dogs giving birth to litters. Furthermore, the Appellant has agreed to forgo seeking the return of some of the surrendered animals. As a result, for the purposes of this appeal the Appellant is seeking the return of 24 dogs (eight adults, three juveniles, 13 puppies) and one cat (the Animals).
3. The Appellant is appealing the October 3, 2025, review decision issued under s. 20.2(4)(b) of the PCAA by Marcie Moriarty, the Society's Chief of Protection and Community Officer.
4. 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.
5. On November 4, 2025, a BCFIRB panel (the Panel) held a hearing via teleconference. The hearing was recorded.
6. The Appellant was represented by counsel. The Appellant gave evidence on her own behalf and provided one witness, R.D.
7. The Society was represented by counsel and did not call any witnesses

B. Decision Summary

8. The Animals were seized by the RCMP on September 3, 2025, at the Property. The Appellant was not in attendance, and no alternate caregiver for the Animals was present. The Animals were transferred to the care of the Society through an emergency out of hours intake. The Panel is satisfied that the Animals came into the Society's custody in accordance with s. 10.1 of the PCAA.
9. The Animals will not be returned to the Appellant. The Appellant, who was represented by counsel, did not provide the Panel with a plan for the care of the Animals which would ensure that the Animals were not placed at a significant risk of falling into distress.

10. Furthermore, the Panel found that the Animals suffered from neglect and a lack of overall care such that the return of the Animals would not be in their best interests. These findings were compounded by the Appellant's lack of a plan to address these concerns in the Animal's future care including the issue of appropriate care and preparation associated with transporting them across the country and settling them in a new environment.
11. The Appellant is ordered to pay \$8,755.19 to the Society for the veterinary service costs for the Animals incurred while they were in the care of the Society. The Appellant is ordered to pay \$18,331.40 to the Society for the costs for housing, feeding and care of the Animals. The total payable by the Appellant to the Society is \$27,086.59.

C. Preliminary Matters

12. The Society emailed BCFIRB on November 3, 2025, seeking to introduce correspondence between the Appellant and the Society as a late submission for inclusion as an exhibit for the hearing. The Society noted the relevance of the correspondence with respect to the issue of costs. Counsel for the Appellant argued that the Society was aware of the submission deadlines and had ample time to meet them. The Panel did not allow the inclusion of the late submission, as its relevance was not clearly apparent and references to similar material (offers of surrender of animals with reductions in costs) was already in the Society's exhibits.

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 1-16.

E. History Leading to Surrender of the Animals

14. In early 2025, the Society received five complaints about animals at the Property. During the Society's follow up, all contact, except for one instance, was with the Appellant's ex-partner. A site visit by a Society officer on April 3, 2025, noted that the house on the Property was tidy. The single contact with the Appellant during this period consisted of verbal directions on proper care and breeding practices.
15. On August 13, 2025, the Appellant was involved in a domestic altercation with her ex-partner that resulted in a leg injury and required her to stay in the hospital from August 15 to 16, 2025. The Appellant further required an immobilizer on her left leg for three to six weeks.
16. On August 19, 2025, the RCMP contacted the Society about animals in distress due to extremely poor living conditions at the Property. The animals involved were 15 mixed breed puppies, three adult cats, and five kittens. One Sphynx cat, Moo Moo, was observed to have had black teeth. SPC Windover attended the

Property and offered the Appellant the option of surrendering the animals into the Society's care, which the Appellant refused. SPC Windover then issued a Notice of Distress, with a follow-up inspection to be carried out 48 hours later.

17. On August 21, 2025, SPC Windover attended at the Property for the follow-up inspection. Conditions at the Property had improved, however nail trimming and veterinary treatment had not yet been addressed. The Appellant had removed shock collars from two dogs after SPC Windover explained the harm they cause. The option of surrendering of some or all the animals into the Society's care was offered a second time and refused by the Appellant again. SPC Windover and the Appellant discussed her plan to move the animals to New Brunswick with R.D.'s assistance, whose contact information was provided. SPC Windover transferred the file to Animal Protection Officer (APO) Patterson.
18. On August 25, 2025, APO Patterson received two texts from the Appellant confirming that she had trimmed the nails on six dogs and would do the remaining dogs over the weekend.
19. In late August and early September, SPC Windover communicated three times with R.D. about the transportation and accommodation plans for the animals.
20. RCMP Constable Godlien noted that multiple Sphynx kittens present at the Property on August 19, 2025, had died when he was again on-site August 26, 2025. The explanations as to the deaths of the kittens provided by the Appellant and her family were inconsistent.
21. On the morning of September 3, 2025, the RCMP responded to a call concerning multiple dogs from the Property running loose in the neighbourhood. One had been seen loose over four days. Bylaw officers were called, and three dogs were captured. The RCMP notified the Appellant of the dogs being at large. The Appellant indicated that she was not at the Property but would be returning shortly. The Appellant had left the Property at 2:00AM and checked into a hotel on the previous advice of the RCMP as a safety measure to avoid her ex-partner.
22. On the same day, the RCMP were called back to the Property with reports of a dog in distress on the deck. The Appellant's ex-partner had been present at the Property but fled from the police and evaded arrest.
23. Upon attending at the Property, the RCMP observed a dog crate and two full, tied black garbage bags on the back deck. The RCMP Constable heard barking coming from the bags and upon opening them observed dog crates containing dogs inside the bags. Following this the RCMP found multiple crates containing dogs inside the residence, and neighbours drew the officer's attention to multiple crates containing dogs inside of garbage bags in the alley way behind the residence. Inside the residence, three dogs were found in a wire crate in the living

room. All the animals were seized at that time by the RCMP and held for the Society as an owner or caregiver was not present at the Property.

24. At 16:57 hours, the RCMP contacted the Appellant by phone to advise her that her dogs had been located by police in garbage bags in crates on the deck of the Property. She stated she would be coming to the house. The RCMP remained at the Property until the late hours of the evening, and the Appellant did not return or call back. The RCMP subsequently surrendered the animals to the Society.

F. Review Decision

25. On October 3, 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 the information contained within the Society’s historical files.
26. Ms. Moriarty was satisfied, based on the evidence, that the provisions contained in Section 10.1 of the PCAA had been met and that the Animals came into the Society’s custody in accordance with the PCAA.
27. In her decision, Ms. Moriarty acknowledged the personal circumstances of the Appellant and the impact of her injuries on her ability to care for the Animals. She noted that the Society offered assistance to reduce the number of animals, but the Appellant refused these offers twice. She referred to the medical issues and lack of veterinary care described at intake, along with documented deficiencies in general animal husbandry, to support her decision. The absence of a reliable and safe plan that would allow the Appellant to maintain her livelihood selling puppies while ensuring the health and well-being of the Animals raised significant concerns. Ms. Moriarty specifically noted that the proposed plan to transport a large number of sick, underweight, neonatal and pregnant animals across Canada was very concerning.

G. Key Facts and Evidence

28. In an appeal involving animals that have been surrendered by a third party under the PCAA, the Panel must determine whether the surrender was properly undertaken in accordance with s. 10.1 of the PCAA, and whether the animals should be returned to the owner or if doing so would place them in a situation of distress.
29. Below is a summary of the relevant submissions and evidence presented during the hearing. Although the Panel fully considered all the facts and evidence in this appeal, the Panel has referred only to the facts and evidence it considered necessary to explain its reasoning in this decision.

Appellant Testimony

30. The Appellant testified that she is a full-time university student studying remotely for a psychology nursing degree. She stated that she has only had the Animals for two years. She described the Animals alternatively as being part of her small in-home breeding program and as her pets.
31. The Appellant stated that she has had no help in the care of the Animals.
32. The Appellant noted that she had undertaken genetic testing of her breeding dogs, however the results were not yet available. The genetic testing included testing for Intervertebral Disc Disease and Merle Disease (also known as double merle or lethal merle) for the Dachshunds.
33. The Appellant stated that she would bathe and comb the poodles as required and would clip them twice a year at home herself. She did not clip any puppies before selling them but stated that she clips the nails of puppies being sold twice before they go to their new homes.
34. The Appellant described her feeding program as free-choice high quality kibble. She also described supplementing her dogs with probiotics, and “Stella and Chewy” rabbit freeze dried raw dog food.
35. The Appellant testified that “My animals were all very healthy. I didn't run into any issues” and “They had their yearly routine checks, but if there were ever any issues that arose, I always would ensure that they would go to the vet because again, my biggest concern was to make sure they were happy and healthy”
36. In regard to the cat Moo Moo (eight year old spayed female Sphinx), the Appellant testified “Prior to any SPCA contact that her teeth were in really poor condition,” She described talking to veterinarians about pursuing treatment She agreed that presurgical bloodwork should be done as well as hypertrophic cardiomyopathy testing but that she had not been able to move forward on treatment.
37. The Appellant stated that before the Animals were taken into the care of the Society, her intent was to have the testing and dental surgery for Moo Moo carried out after relocating the cat to New Brunswick.
38. The Appellant testified that on September 4, 2025, she relocated to New Brunswick. She currently resides approximately two hours driving time from R.D.'s, residence.
39. The Appellant stated that if the Animals are returned to her, she plans on flying out to Vancouver to collect the Animals and then immediately flying the Animals back to New Brunswick where they would be housed at R.D.'s property.

40. The Appellant described plans to be carried out by R.D. to create appropriate housing on his property for the Animals and to apply for proper licensing. She noted that these plans have remained in abeyance while the Animals have been in the Society's care.
41. The Appellant acknowledged that she still has restrictions in her movement resulting from her leg injury and is currently still wearing a brace on her knee. She stated that she anticipated up to six months of further recovery and rehabilitation.

R.D.

42. R.D. is the Appellant's uncle and resides on a five-acre rural property in New Brunswick.
43. R.D. testified he had booked a flight for August 31, 2025, to Vancouver to assist the Appellant in transporting the Animals to New Brunswick. That flight was cancelled by Air Canada and R.D. did not rebook a new flight after the Animals came into the care of the Society.
44. R.D. stated that he planned to have a building constructed on his property suitable for accommodating the Animals, which would meet the licensing requirements of the New Brunswick Society for the Prevention of Cruelty to Animals (New Brunswick SPCA). R.D. booked the installation of a temporary housing structure, a modified garden shed, for the Animals pending the construction of the permanent facility. The order for this structure was cancelled when the Animals came into the care of the Society.
45. R.D. stated that he was aware of the need for a dog breeder's licence in New Brunswick but had not applied for one because he was unaware that the Appellant planned to breed dogs on his property. He stated that he is retired and did not want a commercial business on his property unless the Appellant decides to do so.
46. Should the Animals be returned to the Appellant, R.D. stated that he is willing to house them in his insulated garage, or his house, until a suitable facility has been constructed.
47. R.D. stated that he is willing to cover costs to support the Appellant in establishing herself in New Brunswick, but not to cover fines or lodging fees resulting from actions in British Columbia.
48. R.D. testified that he was in contact with the Society's SPCs Windover and Patterson about the plans in development for the transportation and accommodation of the Animals in New Brunswick. He stated that he left two messages with the New Brunswick SPCA but did not receive a call back.

H. Analysis and Decision

Abandoned Animals

49. In this case the Animals came into the custody of the Society through a third-party surrender as 'abandoned animals'. The relevant provisions with respect to abandoned animals are found in section (10) of the PCAA:
- 10.1** (1) In this section, "abandoned animal" includes an animal that
- (a) is apparently ownerless,
 - (b) is found straying,
 - (c) is found in a rental unit after expiry of the tenancy agreement in respect of the rental unit, or
 - (d) if a person agreed to care for the animal, is not retrieved from that person within 4 days following the end of that agreement.
- (2) If an authorized agent is of the opinion that an animal is an abandoned animal, the authorized agent may take custody of the animal and arrange for food, water, shelter, care and veterinary treatment for it.
50. The Society's evidence clearly demonstrates the chain of custody of the Animals from the RCMP to the Society on September 3, 2025. The Society accepted the Animals as an emergency out of hours intake after the RCMP had twice contacted the Appellant to advise her that the Animals had been left unattended. Furthermore, many of the Animals had either been inappropriately crated and contained in garbage bags or allowed to run loose in the neighborhood. While the Appellant's ex-partner was responsible for many of the circumstances that the RCMP observed upon attending at the Property, the evidence demonstrates that the Appellant was unable to provide care for the Animals on that day.
51. The test under s. 10.1 of the PCAA involves an objective assessment of abandonment. The definition is inclusive, not exhaustive, and is not limited to the instances identified in section 10.1. The Appellant's intent with respect to the abandonment of the Animals is not determinative (see *G.G. v. BCSPCA* (August 24, 2022) and *HL v BCSPCA* (June 1, 2015)).
52. In this case, the Appellant was likely a victim of circumstances largely beyond her control and did not intend to abandon the Animals. However, the fact that she was unable to provide care for the Animals when required on September 3, 2025, meant that the RCMP was left with no other option other than to treat the Animals as having been abandoned and it was on that basis that the Animals were received by the Society.
53. The Panel is satisfied that the Animals came into the Society's custody in accordance with s. 10.1 of the PCAA.

54. While the Appellant's ex-partner was responsible for many of the circumstances that the RCMP observed upon attending at the Property, the evidence demonstrates that the Appellant was either unable or unwilling to provide care for the Animals.
55. The Panel has proceeded on the basis that the Appellant must show that the remedy she seeks (return of the Animals) is justified. Specifically, the Appellant must provide sufficient reliable information to the Panel to confirm that the Animals, if returned, would not be placed into a situation resulting in their distress (see *Brown v BC SPCA*, [1999] BCJ No 1464 (SC), at paragraph 22).
56. 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.
57. 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.
58. The Appellant was represented by counsel and had the opportunity to provide evidence as to the plan of care for the Animals, which in this case would have included a detailed transport plan, clear evidence confirming the long-term living conditions of the Animals, and some recognition of the care concerns identified by the Society on intake. Insufficient evidence with respect to a return plan has been found by previous panels to be fatal to an appellant's appeal. (see *Sarkozi v BCSPCA*, April 3, 2023, and *Latour v BC SPCA*, March 14, 2023)
59. In this case, the plan for return is further complicated by the fact that the Appellant intended to immediately remove the Animals from the jurisdiction and the Animals would therefore lie beyond the ability of the Society to monitor or assist.
60. The Animals came into the Society's care as a result of abandonment, and not directly due to concerns regarding distress, however after the Animals were accepted into the care of the Society, they were assessed at a veterinary clinic and subjected to full physical examinations and veterinary care as required.

61. The veterinary clinic's examination on September 5, 2025, consistently described the poor condition of the Animals. All the poodles, except the puppies, had varying levels of matting and dirty coats, ranging from some matting, to severe and extensive matting, which was described in both female poodles with puppies. Several dogs had ear infections including one dachshund which was found to have severe ear infections.
62. One surrendered female dog had an infected uterus (pyometra) that required surgery later in September. This dog was reported to be up to eight years old, retired from breeding and had not been spayed despite being kept in a household with intact males.
63. Fecal tests of the dogs were positive for mixed populations of internal parasites. Several of the Animals were also categorized as underweight, with body scores of 2–3 out of 9. One nursing poodle was very young to have been bred, with an estimated age between one and two years.
64. Moo Moo the cat was scheduled for urgent dental surgery on October 14, 2025, to treat severe dental disease as her dental pain was not manageable on medication alone. Moo Moo was only placed on pain medication after coming into the care of the Society. The lack of action by the Appellant to address Moo Moo's dental disease indicates a lack of awareness of the severity of her condition or the pain it was causing.
65. Several of the dachshunds are dapple or merle in colour. The Appellant is aware of the significant health risks of breeding dapple or merle dachshunds, which, as she stated in her testimony, includes blindness, deafness and death.
66. The Appellant described her current physical limitations and her anticipated six-month recovery and rehabilitation for the injuries she suffered in August 2025. The evidence did not demonstrate that the Appellant had sufficient supports in place to manage care for the Animals at the new residence, including ensuring that the Animals were provided with proper veterinary care.
67. The Appellant stated that if the Animals were returned to her, she intended to fly them all, including the puppies, to New Brunswick. The group of puppies born on September 12, 2025, will be old enough to be weaned by the end of November 2025, having reached almost 12 weeks of age, but the puppies born on October 12, 2025, would only be 7 weeks of age. The evidence provided by the Society regarding airline transport policies indicates that the younger puppies may not be accepted for air travel at that age.
68. In order to return the Animals to the care of the Appellant, the Panel needed to have sufficient and reliable information to be confident that the Animals would not be returned into conditions resulting in their distress. This includes the conditions during the anticipated transportation of the Animals, the interim housing and care

of the Animals, and the final housing and on-going care of the Animals. The onus was on the Appellant to show that these conditions would be appropriate, and to also show that it would clearly be in the Animals' best interest to be returned to her. The Panel was not provided with the evidence necessary to confidently conclude that the Animals could be returned to the Appellant, and in fact the evidence suggested that, at best, the Appellant had a plan to make a plan depending on the outcome of this Appeal. The Panel cannot return Animals based on conjecture and will not do so in this case.

69. The Panel orders that the Animals will remain in the care of the Society and pursuant to section 20.6 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 the Animals will be adopted unless circumstances somehow preclude that possibility.

I. **Costs**

70. 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.

71. 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)".

72. The Society is seeking costs as follows:

(a) Veterinary costs:	\$8,755.19
(b) SPCA time attending to removal:	\$383.46
(c) <u>Housing, feeding and caring for the animals:</u>	<u>\$18,331.40</u>
(d) Total:	\$27,470.05

73. 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.
74. The Appellant did not contest the specific costs and freely offered to provide at least part payment before the release of any of the Animals. The Appellant did comment that she felt the costs were punitive.
75. The Panel finds that the costs presented by the Society are reasonable with the exception of the costs associated with attending to remove the Animals as the Animals were surrendered by the RCMP due to circumstances that were largely outside of the control of the Appellant.

J. Order

76. The Panel orders pursuant to s 20.6 (c) 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 liable to the Society for costs in the total amount of \$27,086.59.

Dated at Victoria, British Columbia this 21st day of November 2025.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Jane Pritchard, Presiding Member



Abra Brynne, Panel Member