

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  
THREE BIRDS AND TWO DOGS

**BETWEEN:**

CASEY ARNOLD

**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:

Casey Arnold, self-represented

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

September 22, 2025

Location of Hearing:

Video conference

## **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 three birds, two dogs, three puppies and a sugar glider from the Appellant, Casey Arnold, in Oliver, BC (the Property). One dog, two puppies and the sugar glider were subsequently surrendered to the Society, leaving three birds and one dog and one puppy (the Animals) the subject of this appeal.
- 2) The Appellant is appealing the August 18, 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 September 22, 2025, a BCFIRB hearing panel (the Panel) held a hearing via video conference. The hearing was recorded.
- 5) The Appellant was not represented by counsel. The Appellant gave evidence on her own behalf and called two witnesses: L.C. and J.T.
- 6) The Society was represented by counsel and called 3 witnesses: Special Provincial Constable (SPC) Morne Jacobs, Doctor of Veterinary Medicine (DVM) Bailie Ericson and Doctor of Veterinary Medicine (DVM) Adrian Helmers. Both DVM Ericson and DVM Helmers were qualified as expert witnesses.

## **B. Decision Summary**

- 7) The dogs, Bentley and Buggy, and the bird, Echo, having been determined by the Panel to have not been in distress at the time of seizure, are to be returned to the Appellant with no conditions.
- 8) The birds, Phoebe and Gary, are to be returned to the Appellant upon the Appellant providing evidence to the Society of suitable living conditions for the birds within 60 days of this decision.
- 9) The Appellant will pay the Society costs in the amount of \$4,883.28 as well as any costs incurred for Gary and Phoebe while they remain in the care of the Society. The Appellant will pay the costs owing to the Society or come to terms acceptable to the Society for their repayment prior to the return of Gary and Phoebe.

- 10) If the Appellant fails to meet the above conditions, Gary and Phoebe are to remain in the care of the Society in the Society's discretion, to destroy, sell or otherwise dispose.

### **C. Preliminary Matters**

- 11) The hearing of this appeal was originally scheduled for September 19, 2025. The hearing was subsequently rescheduled to September 22, 2025 due to scheduling conflicts. The decision to reschedule the hearing was made by the Panel after considering the submissions of both parties and that decision was conveyed to the parties by email on September 3, 2025.
- 12) At the outset of the hearing, the Appellant advised the Panel that she had been unable to change her work schedule and had instead exchanged her day shift for an evening shift. That evening shift required her to leave the hearing at 3:15 pm.
- 13) The Panel advised the Appellant that leaving the hearing early would be to her detriment, as she might miss key parts of the hearing, including the opportunity to cross-examine the Society's witnesses, to make closing arguments, and to respond to the Society's submissions. The Panel encouraged the Appellant to contact her employer during the hearing lunch break to explore whether she could remain at the hearing until 4:30 p.m.

### **D. Material Admitted on this Appeal**

- 14) The Panel identified all the documents received by BCFIRB in advance of the hearing as exhibits. The record comprises Exhibits 1-28.

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

- 15) The Society presented considerable evidence with respect to the Appellant's previous case history with the Society. During the period of July 2007 to November 2024, the Society had opened 18 investigations in response to complaints against the Appellant.
- 16) During these years, the Appellant and her husband operated a commercial dog breeding kennel in Quesnel, BC. They bred Cane Corso dogs and a number of smaller dog breeds, including Chihuahuas. According to evidence presented, the dogs were kept in outdoor kennels and rotated through the house for socialization.
- 17) Over that seventeen-year period, complaints to the Society, mostly from neighbours, included objections to dog numbers, aggressive dogs, vicious dog fights, lack of sanitation, and the kennel's practice of clipping the ears of the Cane Corso puppies, which the Appellant noted was done by a Washington State veterinarian.

- 18) In several instances, orders were issued by the Society to encourage sanitary compliance with the Canadian Veterinary Medicine Association's Code of Practice for Commercial Kennel Operations. In the first 15 cases, the Appellant was described as co-operative, and the Society's files were closed. In the two cases (August 2024 and October 2024) preceding the current matter under appeal, the files were closed after the Appellant failed to respond to Society notices.
- 19) None of the first 17 Society investigations resulted in animals being seized.
- 20) The 18<sup>th</sup> and most recent investigation was triggered by a complaint in November 2024. At this time, the Appellant and her husband had separated and the Appellant was looking after all the dogs. She had, by her own admission, become overwhelmed by the enormity of their care and the work required to maintain the kennel facility.
- 21) On December 4, 2024, in response to a complaint, the Society seized 59 dogs and 14 birds from the Property. The Appellant subsequently entered into a return agreement on January 10, 2025 ("the Return Agreement") with the Society for the return of five dogs (released to new owners) and three birds (released to the Appellant) on the condition that the Appellant maintain sanitary conditions in the animals' environment. The three birds returned under the Agreement are the same three birds ("the Birds") that are included in this appeal.
- 22) The Appellant brought the Birds to Quesnel Veterinary Clinic within a month of their return. Records show the Birds were doing well with no concerns noted by the examining veterinarian.
- 23) On July 25 and 29, 2025, the Society received two complaints from the same individual concerning too many animals living in too small an area under unsanitary conditions. The complainant said the animals were neglected by the Appellant, who was away for most of the day. The complainant stated that the animals were left to "bake in a trailer" without air conditioning and that the area outside the RV smelled strongly of feces and urine. The complainant further stated that the Appellant bought puppies for resale from a dog auction in Alberta, had brought home three litters of puppies in the previous 2 months, and that the dogs and puppies moved freely from inside the RV to a fenced area outside through a door kept open due to a non-functioning air conditioner.
- 24) The complainant noted that the Appellant has several parrots, one of which flew free in the neighbourhood. The Society followed up with the RV Park Manager on July 29, 2025, who confirmed that the Appellant had sold puppies from three litters (one Pomeranian, two poodle crosses) during her two-month residency in the RV park.

- 25) On July 31, 2025, SPC Jacobs applied for a Warrant. In the Information to Obtain (ITO), Jacobs noted the Appellant's long history with the Society including details of the December 2024 seizure. He further expressed his concern, based on a recent complaint, that the Appellant had breached the conditions of her Return Agreement, placing her animals in a situation of distress. He stated that the Warrant was necessary to collect evidence of distress arising from "*...but not limited to, measurable conditions in the environment including ammonia levels, elevated temperature, condition and health status of sick animals and/or injured animals, presence and quantity of available food and water...*". He noted that the Appellant was aware that, if she failed to comply with strict care and veterinary requirements for the Birds set out in the Return Agreement, that re-seizure was an option.
- 26) The Warrant was issued and executed on July 31, 2025, at 8 pm in the evening, resulting in the seizure of three birds, two dogs, three puppies and a sugar glider. The Appellant subsequently surrendered one dog, two puppies and the sugar glider on August 11, 2025.

#### **F. Review Decision**

- 27) On August 18, 2025, Ms. Moriarty issued her review decision in which she outlined her reasons for not returning the Animals to the Appellant (the "Review Decision"). In her comments, Ms. Moriarty referred to the Appellant's breach of the Return Agreement, noting the presence of dogs in the home and the foul smell in the RV. She also noted that the campground was filled with dense smoke on the day of seizure which would have caused emotional and physical distress for the Birds. She reviewed the warrant photos and other evidence from the day of seizure and the veterinary evidence on each animal and was satisfied that the Animals came into the Society's custody in accordance with the PCAA.
- 28) Ms. Moriarty further determined that it was in the best interests of the Animals to remain in the Society's custody. She noted the Appellant's long history with the Society, her breach of the Return Agreement and her continued denial of any wrongdoing. She further cited the highly unsanitary home environment and the Appellant's failure to provide the Animals with basic necessities such as clean water, adequate food, grooming, and veterinary care.

#### **G. Key Facts and Evidence**

- 29) In an appeal under the PCAA, the Panel must determine whether the Animals were in distress at the time of the seizure and, if so, whether they should be returned to the Appellant. Below is a summary of the relevant facts and evidence based on the parties' written submissions and the 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 Evidence

- 30) The Appellant told the Panel that on the day of the seizure, it had been hot for a few days, and she was down at the beach by the river most of the time with her dogs and the two birds (Gary and Phoebe) because it was cooler than anywhere else. She told the Panel that the birds go with her everywhere – that her car is set up for them, as is her wagon, that she never goes anywhere without them, that her whole life revolves around them, and that they are safe with her and loved.
- 31) The Appellant advised the Panel that she preferred to rely on her written submissions, photographs and videos. In her written submissions, the Appellant states as follows:
- a) She has twenty years' experience as a reputable and responsible breeder of Cane Corso dogs. She notes that all of the dogs that she bred were AKC/CKC registered, and many achieved CKC championship status. The Appellant further states that following the December 2024 seizure she is no longer breeding dogs and has no plans to breed dogs in the future.
  - b) The Appellant claims that she did not breach the Return Agreement. She notes that under the Return Agreement she was not to re-acquire the 5 dogs returned to family members/new owners, but that she was not prohibited from owning any more dogs and the dogs in her care at the date of seizure were not part of the earlier seizure. She further notes that the Birds were taken to the Quesnel Veterinary Clinic on January 31, 2025, and given a clean bill of health.
  - c) The Appellant relocated in March 2024 to Oliver with the Birds and one dog, a four-pound Chihuahua named Bentley. She acquired a second dog, Buggy – a smaller Pomeranian – in the Spring. She noted that neither dog poses any threat to the Birds as the dogs have no prey drive and have no interest in the Birds.
  - d) The Appellant cooks meals for all of the Animals. The dogs receive a quality kibble diet, and the Birds receive a diet of quality (Zupreme) pellets, fresh vegetables, and fruits and nuts, every day.
  - e) Her RV is air conditioned, and the air conditioning was working on the day of seizure. Measurements taken by the Society on the day of the seizure show an outside temperature of 34 °C and an inside temperature of 27 °Celsius. That afternoon, the dogs had free access to the RV through an open door. She notes that flies in the summer are a persistent problem but not a sign of neglect. She states that she changed the Birds' water multiple times a day but that it may have appeared dirty because Phoebe dips her bird muffin in her water dish.
  - f) The Birds are calm and trusting with the Appellant. All three of the Birds are very bonded to the Appellant and are handled by her every day. A lot of time and training has been put into Echo, who now recalls like a dog. Echo was sold to the Appellant with a missing toe. The Appellant takes Phoebe and

Gary for walks almost every day, often to the beach with her two small dogs to sit in the shade.

- g) The Appellant states that her Animals have always received food, water, shelter and veterinary care. She claims that the Society's allegations are exaggerated, misleading, false or contradictory.
  - h) On the day of the seizure the Appellant, her dogs Bentley and Buggy (her personal dogs), and the Birds, had been home for approximately 30 minutes before the Society arrived. The Birds were just finishing off a bird muffin snack, and she was about to prepare dinner.
  - i) The Appellant stated that the outside gazebo is only used in suitable weather and that in the days preceding the seizure, when temperatures rose to 36 °C and 38 °C, the Birds were not put outside.
  - j) She notes that the only water photographed during the seizure was in the unused outside enclosure and that inside the RV, the Birds had fresh water and food.
  - k) She further notes that the veterinary records submitted by the Society confirm that the Birds are in overall good health. She states that the feather plucking observed on Phoebe and Gary, both rescues, is an artifact of prior trauma, not current neglect.
  - l) The Appellant states that her personal dogs, Bentley and Buggy, receive daily exercise including swimming, short walks and play. The debris in their coats at the time of seizure resulted from activity in a dusty campground environment. The dogs are never caged or kept in unsanitary conditions.
  - m) The Birds are housed on large natural wooden tree stands, not sandpaper or smooth perches, which are unnatural and unhealthy for feet. Echo is free-flighted and trained to recall on command. She returns every evening by 8:30 and can fly in and out of the RV at will. Social media reports of her missing were precautionary and resolved within minutes. Phoebe's feather condition has been consistent for the three years that the Appellant has owned her, and this condition is documented. Gary's feather condition is due to prior history known to the Society and he remains happy and bonded to the Appellant.
- 32) The Appellant provided specific commentary with respect to the veterinary reports on each of the five animals as follows:
- a) Phoebe (Blue and Gold Macaw): The Appellant questions the Society's assertion that Phoebe's beak was overgrown as there was no mention of this in the January 2025 veterinary check. With respect to her feathers, Phoebe was nearly bald when she was rescued by the Appellant as a 13-year-old in 2022 from a man who had kept her in a cockatiel cage in his garage all her life. The Appellant has never cut Phoebe's wings and believes the feather damage noted by the Society is self-inflicted, stress-related, or the result of trauma caused during the seizure. Phoebe even bites off her own blood

feathers – something she has done since her rescue. The fear and aggression noted by the Society when handling Phoebe is reflective of situational stress and is not her normal behavior. With the Appellant, she is loving and gentle. Phoebe likes being misted or showered. The Appellant agrees her nails were “somewhat long” but trimming nails required tranquilization, which carries risks. With the Appellant, Phoebe is calm, affectionate and manageable. The Appellant does everything she can to ensure Phoebe is happy and healthy. She is open to learning how to improve her plumage.

- b) Gary (African Grey Parrot): The Appellant questions the Society’s assertion that Gary’s beak was overgrown as there was no mention of this in the January 2025 veterinary check. The Appellant has never clipped Gary’s wings. When she adopted him 2 years ago, Gary was bald and already showing destructive behaviours. He dislikes water, but the Appellant manages to bathe him twice a month. His feather damage, which is self-inflicted, is a long-standing behaviour. Like Phoebe, the fear and aggression noted by the Society when handling Gary is reflective of situational stress and is not his normal behavior. With the Appellant, he is loving and gentle. The Appellant has never heard Gary swear. Gary is a sweet and affectionate bird who has overcome trauma and continues to improve in the Appellant’s care.
- c) Echo (Eclectus Parrot): The Appellant notes the veterinary records for Echo are largely positive. She is described as being friendly, in good condition, at a healthy weight, and having good plumage. She lost a toe prior to the Appellant purchasing her as a baby, and she was hand fed. Her condition and training reflect the level of care she's always received by the Appellant.
- d) Bentley (Chihuahua): Bentley is a healthy young dog and the Appellant’s emotional support animal. The only health issues listed by the vets are breed traits - Brachycephalic face - and speculation of giardia. He is fully vaccinated and on Advantage Plus. His veterinary exam confirmed good body condition.
- e) Buggy (Pomeranian pup): Buggy is a very small dog with congenital hernias and a collapsed trachea due to poor breeding (not by the Appellant). The Society’s claim that her coat was unkempt with matting and debris and fecal matter does not reflect reality. She swims every other day, has a fluffy coat, and sleeps on the Appellant's bed. If she had debris in her coat, the Appellant would have cleaned it out before allowing her on the bed. Photos and videos provided by the Appellant contradict the assertions of the Society’s veterinarians. Buggy is active, playful and loved. The records exaggerate her condition.

28. The Appellant states that she has worked tirelessly to rehabilitate and care for her Animals and that many of the issues in the vet records are longstanding conditions from before she adopted them. She states that the self-destructive habits are not related to neglect and that she is willing to address any specific, evidenced based concerns raised by the Society. The Appellant admits that her home is messy, but states that a messy house is not necessarily indicative of neglect and should not be the grounds for seizure.
29. With respect to the state of Phoebe's feathers at the time of seizure, the Appellant notes that comparing the Society's photograph of Phoebe on her return on January 10, 2025 with the ones she submitted taken over the Spring and Summer and following the most recent seizure, the regrowth resulting from months of healing in the Appellant's home is evident. The Society's photograph of Phoebe on September 9, 2025, shows further coverage because the pin feathers had opened as Phoebe continues to improve.
30. The Appellant notes that Echo has been with her since she was a baby and is in good health and that Gary is extremely bonded. She asserts that the dogs were not in distress at the time of seizure and that they had just come back from the beach.
31. The Appellant admits that after she and her husband separated at the end of 2023, she became overwhelmed with the number of dogs in her care, and the ongoing maintenance needs of the commercial kennel. It was a difficult time for her emotionally and mentally. However, she further asserts that even at that time the dogs in her care were never neglected. With respect to the ear cropping of the Cane Corso puppies, the Appellant notes that this practice conforms to a breeding standard and was undertaken by a licensed veterinarian.
32. The Appellant states that her circumstances are very different now that she no longer has a breeding program or large numbers of dogs. She notes that she simply wants to live her life with a few beloved pets and that it's taking her a while to recover financially after closing the breeding operation. She now has a job and will not be buying and selling puppies anymore. The Appellant states that the Society's July 31, 2025 seizure of her dogs was based on an unverified and exaggerated complaint by someone who had only walked by her premises.
33. Under cross examination, the Appellant said the Birds were returned to her on January 16, 2025, and that she purchased Bentley from a breeder in mid-January as well. She moved to Oliver in March 2025. Initially she resided in Lakeside Campground and relocated to EZ Campground in June. She testified that she felt forced to leave Quesnel because the Society, in its Facebook Posts, had destroyed her reputation in the community and that she couldn't even go to the store in Quesnel without fear of judgemental remarks.

34. The Appellant testified that she had told the Society in April that she had only the Birds and Bentley. In May, she began buying litters of puppies from an Alberta auction with the purpose of reselling them including a poodle (the Poodle Mom) and three Shih Tzu cross pups. The Poodle Mom had a litter of five puppies in early June and, once the Shih Tzu crosses were sold, she bought a litter of 5 Pomeranian puppies. In July, after all but one of the Pomeranian (which she kept) was sold, she bought two poodle crosses and, once they were sold, two Miniature Pinschers.
35. The Appellant testified that by the end of July all she had left were her two small personal dogs, the Poodle Mum and her two puppies. She said the pups are veterinary checked and vaccinated in Alberta. An animal transporter picks them up and delivers them to the Appellant in Kamloops. The Appellant treats all incoming pups for parasites with Metronidazole and Baycox. She brought the poodle pups for veterinary checks and vaccination in early July. The Appellant said that in addition to providing financial support, she felt that by bringing in and reselling puppies from the Alberta auction, she was helping the puppies find a good home.
36. The Appellant stated that she told the Society that both Phoebe and Gary were rescues. She understood Phoebe to be 13 when she rescued her in 2022. At the time, the bird was in very poor condition with missing feathers and was unwilling to be handled. It took months for the Appellant to gain her trust. She acquired Gary as a two-year-old in June 2024. He was also a rescue that was missing most of his feathers and was hard to handle. Echo was purchased by the Appellant as a 3-month-old in December 2023 and she is very easy to handle.
37. The Appellant stated that Phoebe and Gary do not fly, so she is able to take them for walks and to the beach untethered. She sometimes takes Echo to the beach as well on a tether. She said all of the Birds trust and are extremely loving to her and she can do anything with them. She said she always talks nicely to the Birds and has never heard Gary swear.
38. Showing the Appellant a video she had submitted of Phoebe being misted, the Society asked if she thought Phoebe was having a good time. The Appellant said she was, noting if Phoebe had not been enjoying it, she would have moved away from the mist as Gary is seen to do in the video.
39. The Appellant stated that she would not be obtaining any more puppies from Alberta because she is working now and no longer needs the financial support. She further stated that she has done a lot of soul searching and does not want any further issues to arise with the Society in the future. She told the Panel she works as a full-time bartender, six and a half hour shifts, five days a week at the Burrowing Owl Estate Winery.

40. With respect to Phoebe's plucking behaviour, the Appellant said she thought it might be hormonal and seemed to increase in the spring. The Appellant never sees her actually pluck her feathers. It seems to go up and down – sometimes she is more fully feathered and then all of a sudden over a period of a couple of weeks she plucks them out again.
41. The Panel asked the Appellant about smoke reports on the day of the seizure. The Appellant said the smoke had just blown in. They were at the beach that day and it was not smoky at all. Overall, they had a very smoke free summer. The Appellant said if it had been that smoky, they all would have stayed in the RV. The Appellant said she has never clipped any of the Birds' feathers. Both Phoebe and Gary have habitual self-destructive behaviours. She told the Panel that she is on many Face Book groups of people trying to solve plucking behaviour in their birds. With respect to beak trimming, the Appellant said she gives them natural wood that they chew on. As well, they get the occasional cuttle-bone, perhaps going a month between bones.
42. The Appellant told the Panel how overwhelmed she had been, running the kennel alone without the support of her husband or family, and how after the seizure, the loss of her dogs and her business left her scrambling to earn money. Bringing puppies in from Alberta for resale was something she knew she could do (she understood dogs), and she also felt she was doing something good for the pups as well by finding them a good home.
43. The Panel asked the Appellant whether getting back into the dog breeding business was an option, She replied it was not. She said the same applied to selling puppies. She was working now and had no intention of going back to selling dogs.
44. The Panel asked the Appellant about Echo's free flight. The Appellant said she rarely strayed beyond 100 feet from the house and came back when the Appellant whistled.
45. The Panel asked the Appellant how she managed the Birds' defecation since they were uncaged. She said she placed pee pads beneath their perches.
46. The Appellant submitted four letters from people who had purchased Cane Corso dogs from her kennel. All of the letters attest to her professionalism as a dog breeder and her love of animals.

Appellant Witnesses:

J.T.

47. J.T. lives across from the Appellant in the RV Park and adopted one of the Miniature Pinscher puppies that the Appellant had brought in from Alberta for sale. J.T. testified that she spent time each day playing with the puppies at the Appellant's RV and saw nothing that caused her any concern.
48. When asked about forest fire smoke in the campground, the witness noted she is a fireman's widow, so she is particularly aware of fire behaviour and smoke. She told the Panel that some days were smoky and some were clear; it was like any other fire season – never bad enough for an evacuation notice nor an air quality advisory. On the day of seizure, she said, there were five active fires in the area, but the wind kept moving the smoke. It would come in, go out, then come in again.

L.C.

49. L.C. is the Appellant's sister. She testified that in March 2025, Phoebe had no feathers on her belly, but that the feathers had regrown. L.C. stated that the Birds are happy and chatty, they have toys to play with and that she has not noticed any distress. She stated that there were perches in the RV and that the Appellant has put down pee pads throughout the RV and is constantly cleaning the floors. She testified that there is always food available for all the animals and that the dogs do not interact with the Birds. She said all the Birds were very attached to the Appellant and that the RV was set up with separate perches for each bird. In response to a question from the Panel, the witness said the Appellant's two small dogs did not interact at all with the Birds.

Respondent Witnesses:

DVM Adrian Helmers

50. Dr. Helmers is a veterinarian licensed to practice in British Columbia. She graduated in 2014 from the Royal Dick School of Veterinary Medicine in Edinburgh, Scotland. She has spent the majority of her veterinary education focusing on exotic pets, including birds. She testified that she is recognized as one of the only veterinarians in BC that practices frequently with exotic species, including birds and reptiles. Dr. Helmers was accepted by the Panel as an expert in veterinary medicine including the care of exotic birds.
51. Dr Helmers conducted two direct examinations of Phoebe (December 4, 2024 and August 27, 2025) and reviewed of the photographic and video evidence of the Birds provided by both parties.

52. Dr. Helmers testified Phoebe was fearful and aggressive when she examined her December 4, 2024, which indicated to her that the bird was poorly socialized and did not feel safe due to poor previous handling. She added Phoebe's aggression and her ability to do physical harm would make her difficult to rehome, suggesting an experienced owner would be needed.
53. Dr. Helmers testified Phoebe showed evidence of severe feather-destructive behaviour, meaning she was pulling out her own feathers and chewing others to destruction. The feathers she had not plucked were poor quality – showing poor colouration, oil and dust and stress bars.
54. Dr. Helmers testified that Phoebe's bloodwork showed no underlying causal conditions, leading her to believe that Phoebe's persistent feather plucking was self-mutilating behaviour due to poor husbandry practices, boredom/lack of stimulation, inappropriate diet, and environmental stress. The fact that Phoebe gained both weight and coloured chest feathers while in the Society's care confirmed for Dr. Helmers that the issue was improper animal husbandry while in the care of the Appellant.
55. Dr. Helmers testified that exotic birds have specific diet requirements that differ from breed to breed, making it difficult to ensure the individual dietary requirements are met when different breeds are housed and fed in a common area. She testified that different breeds of exotic birds do not like being housed together and that all exotic birds require controlled humidity and temperature with ample ventilation, natural (UV) light and places where they can self-isolate.
56. Dr. Helmers specifically testified with respect to some of the photographs and videos provided by the Appellant.
  - a) Dr. Helmers was shown a video provided by the Appellant of Phoebe in the gazebo under a misting spray. Rather than enjoying herself, as argued by the Appellant, Dr. Helmers testified that the parrot – based on her rate of respiration, eye blinking and body language – was exhibiting signs of distress. Phoebe "did not like what was happening to her" said Dr. Helmer, adding that it was very difficult for her to watch. Dr. Helmers also testified that often parrots do not like to be bathed but it was a necessary procedure to keep their feathers in good condition.
  - b) Dr. Helmers was shown numerous photos submitted by the Appellant wherein all three Birds displayed what appeared to be affection towards the Appellant, rubbing their cheek against hers, cuddling up on the couch. Dr. Helmers described such behaviours as a "superficial type interaction", adding "we are looking for more engagement in the handling of the birds".

- c) Dr. Helmers was shown photos and videos provided by the Appellant in support of her submission that she provided proper stimulation for the Birds including photos/videos of:
- Bird toys in the RV and gazebo,
  - the Birds and two dogs together for an outing in the Appellant's RV,
  - Gary and Phoebe perched on the handle of a buggy containing the 2 small dogs out for a walk,
  - Gary and Phoebe and the two dogs at the beach sitting on perches under a tree.

Dr. Helmers dismissed the evidence of stimulation noting that the activities likely resulted in more stress than stimulation. In particular, with respect to one photograph of Phoebe and Gary at the beach with the Appellant shortly before the seizure, Dr. Helmers testified that Phoebe would have hated being around so many different people because her time at the Society showed her to be very poorly socialized.

- d) Dr. Helmers noted that Echo showed enjoyment during the video of her misting and that the tips of her tail feathers and some flight feathers exhibited some fraying.
57. Dr. Helmers added that exotic birds also need to engage in breed-appropriate behaviours such as foraging for food and opening nut shells with their beaks.
58. The Panel asked Dr. Helmers whether Phoebe's anti-social and aggressive behaviour with Society staff might be attributable to her having been abused prior to being rescued by the Appellant. Dr. Helmers stated that even taking that abuse into consideration she felt that Phoebe should have been better socialized.
59. Dr. Helmers testified that correcting Phoebe's ruptured air sac is a fairly simple veterinary procedure. When asked about Phoebe's emotional needs and her bonding to the Appellant, Dr. Helmers felt it did not outweigh providing the basic necessities. Dr. Helmers attributed Echo's ability to fly free as perhaps partly responsible for her good health and body condition, but disagreed that free flight was safe for birds. Dr. Helmers agreed feather plucking can become a habit, but it was important to first attempt to remove all other sources of stress.
60. The Appellant was asked if she had any final questions of the Witness. She asked Dr. Helmers if she agreed that the aggressive behaviour shown by the Gary and Phoebe on intake could have been a result of the trauma they experienced during the seizure. Dr. Helmers said for some birds yes, but these were taken from such a stressful situation that this would not be the case. The Appellant asked Dr. Helmers how, if the Birds were properly hydrated and had maintained their weight on intake, could she say lacked access to food and water. Dr. Helmers replied that she continues to believe that they have not had access to appropriate food or water based on the photographs provided. The Appellant asked

Dr. Helmers how she could assess Phoebe without understanding her history. Dr. Helmers replied that it is her job to examine a bird and make comments and opinions based on their behaviour

DVM Dr. Bailie Ericson

61. Dr. Ericson received her DVM in 2019 from the Western College of Veterinary Medicine in Saskatoon and is licensed to practice in BC. After graduation, she worked for approximately five years at the Bear Creek Animal Clinic in Grand Prairie, Alberta, then moved to Kelowna in 2023 and has been working at Rose Valley Veterinary Hospital since that time. Dr. Ericson works predominantly with small animals, cats and dogs and has also worked with exotic animals. Dr. Ericson examined all the Animals on intake August 1, 2025. Dr. Ericson was accepted by the Panel as an expert in veterinary medicine and gave evidence with respect to the Appellant's dogs and the sugar glider.
62. In her testimony, Dr. Ericson noted that the dogs tested positive for giardia (apparently introduced with the arrival of the Poodle Mom) and roundworm and some had bloody diarrhea. Based on the photographic evidence, Dr. Ericson noted cleanliness concerns outside and inside the RV and discussed the sanitation measures that would be needed to eradicate all parasites. When asked by the Society whether she could tell if the puppies were, as the Appellant claimed, being treated for these parasites, Dr. Ericson said she would not be able to identify whether medications were being provided by the Appellant.
63. Dr. Ericson provided the following particular evidence with respect to the health conditions of the seized animals:
  - a) Bentley - Chihuahua dog, one year old. Body Conditioning Score Optimal (3/5). Well hydrated. Good musculing. No lameness. Bilateral ear infections, open fontanelle (congenital). Suspected giardia. Recommendations: Neutering, care to avoid head injuries, possible use of helmet.
  - b) Buggy - Pomeranian puppy 9 weeks old. Body Conditioning Score Optimal (3/5). Well hydrated. Good musculing. No lameness. Ear infection, suspected bilateral, reducible inguinal hernias, cough on tracheal palpitation, open fontanelle (last three congenital). Tested positive for giardia and worms. Unkempt, matting. Recommendations: Spay, treat ear infection, have veterinarian treat hernia.
  - c) Poodle Mom - approximately 2.5 years. Well hydrated. Body Conditioning Score 2/5. Matted coat, underweight, swollen lymph nodes, very long nails. Suspect giardia. Recommendations: increase caloric intake, trim nails, bathe, clean, deworm, spay.

- d) Poodle Pup 1 (male): Body Conditioning Score Optimal (3/5), matted and unkempt, no evidence of fleas or mites, healthy. Recommendations: bathe, treat giardia.
- e) Poodle Pup 2 (female): Body Conditioning Score Optimal (3/5), bilateral ear infections, matted coat, suspected giardia and parasites. Recommendations: bathe, treat ear infections, treat giardia.
- f) Sugar Glider: Healthy, good body condition, eyes bright, ears clean.

#### SPC Jacobs

- 64. SPC Jacobs testified that on the day of the seizure, the Oliver area was still recovering from a severe wildfire, and that the campground was “filled with smoke, making it nearly impossible to breathe.”
- 65. The outdoor area around the Appellant’s RV was heavily cluttered with various objects, debris, and hazardous materials, creating an unsafe environment for the Appellant’s animals. Garbage and plastic waste were scattered across the ground, presenting significant choking and ingestion risks. A strong odour of feces was present throughout the area.
- 66. The interior of the RV was in an unsanitary and hazardous condition. A pervasive smell of feces was present, and a large amount of fecal matter was visible on the floors. The flooring throughout was extremely dirty. In the kitchen area, countertops were covered with dirty dishes and open food containers. Pee pads contaminated with urine and feces were placed on the floor near the food and water bowls for the dogs. The water bowls were mostly empty and bowls containing water were unsanitary. There was a flattened piece of cardboard covered with bird feces and dog feces on the carpet. The Macaw (Phoebe) was missing many of its feathers on the front of its body. An African Grey parrot (Gary) was on a perch, and its feathers also appeared to be in poor condition. Water bowls for the parrots contained dirty water and flies were actively swarming the space.
- 67. SPC Jacobs testified that the ammonia readings were below detectable levels, and the temperature inside the RV at the time of seizure was 5° C lower than the outside temperature.
- 68. SPC Jacobs stated that the Appellant had failed to comply with the conditions set forth in the Return Agreement and the Animals were seized in part due to that failure.

69. SPC Jacobs testified that he chose to apply for a warrant rather than issue a 24-hour compliance notice because he was concerned that the Appellant would relocate her RV if she was given a notice and that the Society would struggle to locate her if she moved.

## **H. Analysis and Decision**

70. 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.

71. 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.

72. 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.

### **Distress – General**

73. At the time of the seizure, there were three birds and five dogs, three of which were puppies, living in the RV. The evidence shows that ammonia levels at that time were undetectable, and the temperature in the RV was 6° C lower than the outside temperature. Contributing to distress on the day of seizure was smoke from surrounding forest fires.

### **Distress – Sugar Glider**

74. The Sugar Glider was seized because SPC Jacobs determined that its housing, a cage located outside under a tree, was inadequate. SPC Jacobs further noted that the animal had water but that no food was present, that there were leaves at the bottom of its cage and that it had no enrichment.
75. The veterinary examination of the Sugar Glider on intake confirmed that it was healthy and properly hydrated. It had good body weight and condition, bright eyes and clean ears. Photographic evidence provided by both the Appellant and the Society showed a large cage with what appeared to be enrichments including hammocks and swings. Despite being housed outdoors, the top of its cage would have been easy to tarp in the event of rain, and also easy also to move indoors in winter.
76. The evidence shows that the Sugar Glider was not in distress on the day of seizure. Nonetheless, the Sugar Glider was surrendered by the Appellant to the Society on August 11, 2025. The effect of this finding for the outcome of this appeal is therefore only with respect to costs as set out below.

### **Distress – Dogs**

77. The Society, according to information supplied to obtain its warrant, was principally concerned with lack of sanitation, high ammonia levels and heat in the Appellant's RV. While there was some feces present, this was to be expected with three puppies not yet house-trained. Photos taken by the Society show that in all but two instances the feces were on pee pads.
78. As noted above, ammonia levels were undetectable and the temperature in the RV was 5° C cooler than the outside temperature due to a functioning air conditioner. There was extensive clutter inside and piled up along the front of the RV, but clutter is not necessarily unsanitary. No evidence was provided of loose garbage inside or outside the RV.
79. With respect to the veterinary findings, worms and other intestinal parasites are not uncommon in puppies and require several rounds of treatment to eradicate. The Panel heard evidence that the giardia was introduced with the arrival of the Poodle Mom from Alberta and the Appellant testified that she was treating all five of the dogs for this condition at the time of seizure.
80. With the exception of the nursing Poodle Mom, who was underweight (Body Conditioning Score 2/5), veterinary records on intake show that Bentley the Chihuahua, Buggy the Pomeranian puppy and the two poodle puppies all had 3/5 Body Conditioning Scores (optimal) on intake. All were well hydrated. Veterinary records show all were in "no pain" on intake except for Buggy, who exhibited mild pain and diarrhea.

81. The evidence was clear that the open fontanelles of Bentley the Chihuahua and Buggy the Pomeranian, as well as Buggy's suspected bilateral inguinal hernias were congenital. The Appellant's evidence is that she chose to keep Buggy as a personal pet from a litter that she purchased for resale when her congenital conditions became apparent.
82. Based on the evidence presented in this hearing, the Panel finds that the Poodle Mom was in distress at the time of seizure.
83. The Panel finds that the Appellant's personal dogs (Bentley the Chihuahua and Buggy the Pomeranian), and the two poodle puppies were not in distress at the time of the seizure. However, as the two poodle puppies were not yet weaned, excluding them from the seizure would have placed them in distress and the Panel accepts that their seizure was appropriate.

### **Distress – Birds**

84. The Panel found Dr Helmers' considerable expertise in avian veterinary practice extremely helpful in understanding of the needs of exotic birds and their veterinary and husbandry requirements. However, the Panel was also mindful that the veterinarian had the opportunity to physically handle Phoebe on only two occasions (once on her first intake, December 3, 2024, and again at the Society facilities in the end of August 2025). She also never had the opportunity to observe the Appellant interacting with the Birds and had to rely on photographs and videos provided by the Appellant and the Society to draw inferences with respect to the emotional and physical well-being of Phoebe, Gary and Echo.
85. With respect the Return Agreement, and the alleged breaches of that agreement by the Appellant, the relevant provisions require that the Appellant:
  - not re-acquire any of the five Cane Corso puppies returned by the Society to buyers that had paid deposits prior to the seizure;
  - provide the Society with reasonable access to inspect the Birds, including a scheduled inspection approximately 30 days after their return with 24-hour notice;
  - ensure the Birds are kept an environment and housing that is appropriate for their breed and their individual needs and is also sanitary, safe and free from injurious objects and debris;
  - provide the Birds with adequate and suitable food and water to maintain a healthy body condition and to ensure the food and water containers are clean, disinfected and positioned in areas that keep them free from contamination;
  - provide necessary veterinary care when the Birds, or any of them, exhibit signs of injury, pain, illness, or suffering which require medical attention, and specifically to monitor Gary for weight gain and feather plucking, to monitor

Phoebe for the cervical air sacks for left leg lameness and to monitor Echo for damage to his feathers;

- bring the Birds to a veterinarian for annual health and wellness checks;
- provide the Birds with daily interaction enrichments and socialization; and
- ensure the Birds are adequately and appropriately housed to reduce stress and to allow them to retreat from one another.

86. Conflicting evidence was presented with respect to the Appellant's compliance with the terms of the Return Agreement.

- In her Decision letter, Ms. Moriarty stated that the Appellant's ownership of five dogs on the day of seizure was a breach of the Return Agreement. The Panel notes that the Return Agreement restricts the Appellant from reacquiring the five Cane Corso dogs returned by the Society to new owners January 2, 2025. The Panel was presented with no evidence of any further agreement restricting the Appellant from owning any dogs. Lacking any evidence to the contrary, the Panel finds that the Appellant's acquisition of puppies for resale did not represent a breach of the Return Agreement.
- No evidence was provided by either party with respect to the scheduled follow up visit by the Society 30 days following their return. Records submitted by the Appellant show the Birds were taken to the Quesnel Veterinary Clinic on January 31, 2025. In those records, the examining veterinarian Dr. Lukas Gerdes notes he had "no concerns" for any of the birds, which he describes as "doing well since being home". Specifically with respect to Phoebe, Dr. Gerdes notes "she is doing well since being home, her feathers are starting to grow back."
- With respect to ensuring the Birds were kept in a clean, safe and non-hazardous conditions, the Society provided oral, written and photographic evidence of clutter and dirty dishes on the day of seizure. In his testimony, SPC Jacobs referred to garbage inside and outside of the RV and submitted nine photos showing the area outside the RV door and six photos showing the RV kitchen. SPC Jacobs agreed that the conditions shown in the pictures would be more correctly described as clutter as there was no evidence of household garbage. The Appellant submitted that items have to be stored outside the RV because there was very limited storage space inside the RV. The Panel notes that the photos show that much of the feces in the RV was on pee pads which were liberally spread throughout the RV. There was one dog dropping by the RV's exit door. In the bedroom, a piece of cardboard seemingly positioned under one of the parrot perches contained considerable parrot droppings and what appeared to be dog feces.
- With respect to the requirement for the provision of adequate food and water the veterinary records on intake provided by the Society show that Phoebe's weight on August 1, 2025 (1.19 kg) was the same as when she was returned to the Appellant January 10, 2025. Both Gary and Echo's weight on intake

was described as good, and all three Birds were well hydrated. Echo, Gary and Pheobe had Body Conditioning Scores on intake of 5/9, 5/9 and 4/9, respectively.

- Dr Helmers testified that an adequate diet is not necessarily the same as a breed appropriate diet. Explaining that each breed of bird requires different nutrition, Dr Helmers stated that housing the three breeds together would make tailoring their individual diets difficult. For example, Macaws like Phoebe require a diet consisting of 80 percent pelleted food (formulated ration) and nuts (preferably in shells) and 20 percent fruits and vegetables. Eclectus parrots like Echo require the exact opposite ratio (80 percent fresh fruits and vegetables and 20 percent pelleted food and nuts). Grey Parrots like Gary require a smaller pellet size than Macaws. Dr. Helmers also testified that exotic birds need to express natural foraging behaviour and have things like nut shells to crack open. In her written submissions, the Appellant stated that she fed the Birds premium pelleted food, fresh fruits and vegetables and nuts. Based on the veterinary records at time of intake, the Panel finds that the Birds diet was adequate; however, the evidence is insufficient to demonstrate whether it was breed appropriate.
  - With respect to ensuring the food and water containers are clean, disinfected, and positioned in areas that keep them free from contamination, the Society provided photos of instances that it alleges show that the Appellant was in breach of this condition at the time of seizure. The Appellant credibly testified that most of the dishes photographed were in the gazebo, which hadn't been used for days because of the heat, and that the Society failed to photograph clean food and water bowls areas within the RV. The Panel notes that photos were taken of one set of three bowls sitting next to each other inside the RV – one containing dog food. In the Society's submissions five photos are included of the same bowls from different angles, sometimes grouped as two bowls. The photograph of one bowl in the gazebo, submitted several times by the Society as evidence of unsanitary conditions, reflected Phoebe's habit of dunking her cracker in her water.
  - On balance, the evidence shows that the Appellant did her best to monitor the health of the Birds. She had them checked by a veterinarian in January 2025 and submitted that she continued to monitor them over the spring and summer, in particular with respect to the state of their feathers.
  - Photos and videos provided by the Appellant demonstrate that she did her best to provide an enriched environment for the Birds and had considerable daily interaction with them, for example including taking Phoebe and Gary in a cart to the beach and on walks with her two small dogs.
87. With respect to the physical, emotional and environmental needs of the Birds, Dr. Helmers stated that the poor feather condition of Phoebe and Gary and what appeared to be some shredding at the end of Echo's tail feathers and flight feathers are the result of ongoing and persistent self-mutilating behaviour brought on by the stress of poor animal husbandry practices. She noted that the marked

improvement in Phoebe's chest feathering (implying a reduction in feather plucking) while in the Society's care during August 2025, confirmed that the feather plucking behaviour was a result of the Appellant's poor animal husbandry practices.

88. The Appellant submitted that Phoebe's habit of feather plucking was rooted in trauma experienced during her first 13 years of life prior to coming into the Appellant's care, that this had been an ongoing problem since Phoebe's rescue, and that her breast feathers had grown in considerably from when she was returned in January. She submitted that significant progress had been made up to the time when she was seized, and that what the Society's photographs showed was a continuation of that progress.
89. In the report provided by the veterinarian (name redacted in the report submitted by the Society) that examined Gary and Phoebe on intake in December 2024, it is noted that feather plucking is a complex, multifactorial, abnormal repetitive behavior that results in the destruction of feathers. It can become a learned behavior which may be impossible to eliminate even after the underlying causes are resolved.
90. The photographs of Phoebe's chest-feathering on December 7, 2024, August 2, 2025, August 19, 2025, and September 9, 2025 show improvement which occurred both in the Appellant's care and in the Society's care.
91. In one video, Phoebe can be seen shifting her weight from leg to leg. Dr. Helmers said this was a symptom of lameness. However, the veterinary evidence submitted by the Society would appear to contradict this. Referring to Phoebe on intake, the report notes, "...in cage, was only standing on R foot for quite a while but after being handled used both feet equally..."
92. Dr. Helmers testified that the Appellant's practice of allowing Echo to free-fly placed the bird in danger of predation by other birds and animals. The Panel notes that this could be said of any animal allowed to roam freely outside the home, e.g., outdoor cats.
93. While under the Society's care, both birds were described in veterinarian reports as aggressive and difficult to handle, resulting in comments in the files that both would be a challenge to rehome. Dr. Helmers testified that Phoebe and Gary's aggression in care arose from their lack of socialization. The Appellant testified that the aggressive behaviour the veterinarian observed on intake was not a lack of socialization but rather reflective of fear and vestigial trauma and that her Birds were socialized. She provided photos which relied on to show that the Birds were comfortable with friends, regularly went for walks and visited the local beach with the Appellant.

94. The Appellant submitted that the veterinarian observations were as a result of the Birds reacting in fear due to historic trauma which left them terrified of strangers. The Appellant testified that Phoebe had been rescued from a caged breeding environment, that she had spent considerable time developing a relationship of trust with Phoebe, and that as a result she now could do anything with the bird. Gary also came from a background of trauma. The Appellant testified that all of her birds had a close and trusting relationship with her and that any unsocial behaviour exhibited by the Birds while in the care of the Society was due to the trauma of the seizure and their new, unfamiliar surroundings.
95. Dr. Helmers' provided expert testimony on the need for appropriate housing with adequate UV (day) light, effective temperature and humidity controls and sufficient space for the Birds to retreat from one another. The Panel put considerable weight on this testimony.
96. The Panel also finds that presence of multiple puppy litters on the property between April and July would likely have contributed to environmental stress for the Birds. While the Birds may have acclimated to the Appellant's two small personal dogs, the frequent arrival and departure of new litters — accompanied by typical puppy behaviors such as vocalizing, defecating, urinating, and general activity — likely created a disruptive and unpredictable environment. The Panel considers this to be a plausible source of stress for the Birds.
97. Adding to the stress in the week leading up to the seizure was smoke from several aggressive wildfires in the area. Dr. Helmers confirmed that these conditions would have been very stressful for the Birds.
98. However, in assessing distress, the Panel is also mindful of the fact that only two of the three Birds exhibited the self-mutilating behaviour symptomatic of distress as described by Dr. Helmers.
99. Echo, the bird raised by the Appellant from a baby, was described on intake as in good condition (BCS 3/5; ideal). Her examination record includes the following comments:

hydration good; palpation: good weight; apparently healthy; a healthy weight category; missing a portion of her toe from an old injury; a very friendly bird who will willingly jump onto a stranger's arm, and desires attention. ...suspect she has had minimal negative interactions with humans... when unable to tolerate parts of the exam she would gently nibble on my hand to tell me she was uncomfortable. Beak mildly overgrown, toes trimmed.
100. Had the Society given the Appellant a 24-hour notice, the Appellant would likely have taken steps to remedy the deficiencies in her home with respect to the clutter and water bowls.

101. Based on the evidence presented at this hearing, the Panel finds Phoebe and Gary were in distress at the time of seizure, the primary symptom of which was feather plucking. The Panel is unable to determine whether this distress was caused predominantly by poor husbandry practises, cramped living conditions, the residual and persistent effects of past trauma, the introduction of an endless stream of puppies in close quarters, the environment stress of a heat wave and forest fire smoke, or a combination of some or all of the above noted factors. However, the Panel further finds that the Appellant's RV did not provide a suitable living environment for housing the three birds and invariably added to Phoebe and Gary's stress insofar as there was insufficient UV light (daylight) and space for their needs. The problems represented by the RV would invariably be further exacerbated in the Fall, Winter, and Spring months when inclement weather would require their containment indoors.
102. The evidence shows, and the Panel finds, that Echo, despite the cramped living conditions in the RV, was not in distress at the time of seizure, likely due to her ability to fly free and forage outdoors, and the lack of any historic trauma in her care.

### **Return of the Animals**

103. Having determined that Bentley, Buggy and Echo were not in distress at the time of seizure, those Animals are to be returned to the Appellant as no evidence was provided of any intervening circumstances that would preclude a safe return or require additional consideration by the Panel. These Animals should not have been removed from the Appellant's care and should therefore be returned without delay.
104. With respect to Phoebe and Gary, the Panel does not find that the Appellant's previous history with the Society demonstrates the concerns raised by the Society. Of the 18 previous complaint files the Society had involving the Appellant, only one – the last one – resulted in a finding of distress and seizure. Most of the previous complaints were from neighbours related to noise and dog fights, and some related to the Appellant's practice of cropping the ears and docking the tails of her Cane Corso dogs. Some resulted in notices from the Society with respect to standards of cleanliness for commercial kennels. All but two were resolved, the penultimate two were not responded to and the files closed.
105. The Society also placed considerable weight on their assertion that the Appellant had breached the Return Agreement and therefore could not be trusted to maintain a distress-free environment for the Birds going forward. For the reasons noted above, the Panel finds the Appellant, for the most part, upheld the conditions of the Return Agreement and in instances where breaches did occur, they do not represent failures that amount to clear instances of abuse or neglect.

106. The Panel notes that since the December 2024 seizure, the Appellant's circumstances have changed significantly. She no longer operates a commercial kennel for large breed dogs and no longer houses the number of animals she had when running a kennel. Trying to pull her life together, she moved from Quesnel to an RV park in Oliver in March 2025 and began buying and selling puppies to make ends meet. All were small breed dogs without a prey instinct. They did not interact with the parrots, and while perhaps annoying, did not put the Birds in any danger. The Appellant credibly testified that she now has a job and that after all the trauma surrounding the two seizures, she is not interested in going back into the kennel or the puppy business.
107. In considering whether the Birds should be returned to the Appellant, the Panel placed weight on their emotional needs. The Appellant submitted photographs and videos showing close interactions with the Birds — including training, outings, and physical affection — as evidence of a strong mutual bond. She described teaching Echo to return on command and slowly building trust with Phoebe and Gary following their rescue. While the Society's veterinarian, Dr. Helmers, characterized the relationship as "fairly superficial," the Panel notes that she did not observe the Birds with the Appellant and had limited contact with them. The Panel further notes the positive intake notes with respect to Echo who was the only bird that the Appellant had from (near) birth and was not a rescue exhibiting pre-existing trauma. All of the evidence shows that Echo is a healthy, well-adjusted bird and the reasonable inference is that her general well being is a positive reflection on the care provided by the Appellant.
108. The Panel has also considered the physical premises to which the Animals would be returned. At the time of the hearing, the Appellant was living with her sister in a townhouse. If all Animals were returned, the Appellant testified that she would initially move back into the RV and then seek more suitable accommodation.
109. In arriving at a return decision in the best interests of Phoebe and Gary, the Panel notes the evidence provided by the Society's veterinarians with respect to the Birds' rehoming prospects. In their intake records, the veterinarians note the Birds' hostility when handled by strangers and Gary's "naughty vocabulary" may make them difficult to rehome to anyone but an experienced (and perhaps "salty") bird owner. Such an individual may take time to find, possibly resulting in lengthy time in care for both birds. After being closely bonded to the Appellant, this would not be in the best interest of either Phoebe or Gary.
110. An additional consideration was that, if the December 2024 intake veterinarian was correct, and the feather plucking turns out to be a persistent and irreconcilable behavioural artifact of past trauma, any new owner — even an experienced one — could become quickly discouraged, potentially leading to a situation in which the Birds need to be rehomed again and again.

111. The best interests of Gary and Phoebe must guide the return decision, taking into account that there are risks to the Birds in any course of action. The evidence shows that Phoebe's condition has been improving over time while she has been in the Appellant's care. That trajectory of improvement continued while she was in the care of the Society, but her improvement while in the Society's care does not take away from improvements that occurred while she was in the Appellant's care. With respect, Dr. Helmers assertion that the Phoebe's improvement while in the care of the Society is indicative of a lack of proper husbandry by the Appellant is belied by both the photographic evidence of Phoebe's improvement over time with the Appellant and Echo's demonstrably good health. Both Phoebe and Gary show signs of trauma that will require an owner dedicated to making incremental improvements over time and that is exactly what the Appellant has demonstrated while they have been in her care.
112. The Appellant's plan to move back into the RV temporarily while she looks for more suitable accommodation is an implicit acknowledgement that the RV is not a suitable environment for the return of Phoebe and Gary. While the Panel is not concerned that the RV would pose any significant risks to Buggy, Bentley and Echo given their sound emotional and physical health, the stress of that limited environment on Phoebe and Gary would pose an unwarranted risk that they would fall back into a situation of distress upon returning to the RV.
113. The Panel finds that it is in the best interests of Gary and Phoebe to be returned to the Appellant, however that return can only occur once the Appellant has secured suitable living conditions.
114. The Society confirmed that Phoebe and Gary will require a lot of time and effort before they can be rehomed and that they will need an experienced bird owner who cares enough about them to create the environment they need. These requirements will create costs for the Society in their rehoming and uncertainty with respect to finding that right person. The Appellant has experience with these birds and loves them. What she needs to do is create for them an environment that will, to the greatest extent possible, help them thrive and overcome the trauma of their early years. Dr. Helmers has explained what that environment should look like – the birds need good UV (day) light and a place to self-isolate. They need temperature and humidity controls. They need to be able to forage. The Panel believes the Appellant has the motivation to create this environment for these birds because of her love for them. The Panel believes that if this can be accomplished, then this is the best outcome for these birds.
115. The suitability of the living conditions provided by the Appellant is to be assessed by the Society, acting reasonably, based on the recommendations made by Dr. Helmers noted above and the previous requirement in the Return Agreement that the Birds are to be, "kept in an environment and housing that is appropriate for their breed and their individual needs and is also sanitary, safe and free from injurious objects, and debris." The Appellant is to provide evidence of suitable living conditions to the Society within 60 days of this decision. If the Appellant has

not provided that evidence, then the custody of Gary and Phoebe will remain with the Society.

### Costs

116. 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.

117. Section 20.6(c) of the PCAA provides that on hearing an appeal the Panel 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)”.

118. The Society is seeking costs as follows:

Veterinary costs:	\$4,463.31
SPCA time attending to removal:	\$629.97
<u>Housing, feeding and caring for the animals:</u>	<u>\$4,532.20</u>
<b>Total:</b>	<b>\$9,625.48</b>

119. 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.

120. The Panel finds that the Society’s costs should be adjusted by removing veterinary, housing, feeding and care costs for the two dogs, Echo, and one Sugar Glider which the Panel found to not be in a situation of distress at the time of seizure as follows: .

Veterinary costs:	\$2,676.71
SPCA time attending to removal:	\$ 629.97
<u>Housing, feeding and caring for the animals:</u>	<u>\$1,576.60</u>
<b>Total:</b>	<b>\$4,883.28</b>

121. The Panel heard evidence from the Appellant that she was struggling to recover financially from the closure of her breeding kennel. The Appellant did not otherwise provide any relevant submissions on the issue of costs.

### **Order**

122. The dogs Bentley and Buggy, and the bird Echo, having been determined by the Panel to have not been in distress at the time of seizure, are to be returned to the Appellant with no conditions.
123. The birds, Phoebe and Gary, are to be returned to the Appellant upon the Appellant providing evidence to the Society of suitable living conditions for the birds as set out at paragraph 115 of this decision. If the Appellant has not provided evidence of suitable living conditions within 60 days of the date of this decision, then Gary and Phoebe are to remain in the care of the Society in the Society's discretion, to destroy, sell or otherwise dispose.
124. The Appellant will pay the Society costs in the amount of \$4,883,28. The Appellant will pay the Society for Phoebe and Gary's care and veterinary costs while they are in the Society's care. These costs to the Society will not need to be paid prior to the return of Bentley, Buggy and Echo. The Appellant will pay the costs owing to the Society or come to repayment terms acceptable to the Society for their repayment prior to the return of Gary and Phoebe.
125. In the event that the Appellant has not paid the costs to the Society nor come to repayment terms acceptable to the Society pursuant to paragraph 124 above within 60 days of the date of this decision, then Gary and Phoebe are to remain in the care of the Society in the Society's discretion, to destroy, sell or otherwise dispose.

Dated at Victoria, British Columbia this 7<sup>th</sup> day of October 2025.

### **BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD**

**Per:**



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Wendy Holm, Presiding Member