

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
ONE CAT

BETWEEN:

T.W.L. & D.J.

APPELLANTS

AND:

BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia Farm Industry
Review Board:

Jane Pritchard, Presiding Member

For the Appellants:

Ginny Zhu, Counsel
T.W.L.
D.J.

For the Respondent:

Andrea Greenwood, Counsel

Date of Hearing:

June 12, 2026

Location of Hearing:

Teleconference

A. Overview

1. This is an appeal pursuant to s. 20.3 of the *Prevention of Cruelty to Animals Act, R.S.B.C. 1996, c. 372* (the PCAA) related to the seizure of one cat, Yaling (the Animal) from the Appellants, T.W.L. and D.J., in Vancouver, BC.
2. The Appellants are appealing the May 13, 2026, review decision issued under s. 20.2(4)(b) of the PCAA by Marcie Moriarty, Chief of Protection and Community Officer, of the British Columbia Society for the Prevention of Cruelty to Animals (the Society).
3. Section 20.6 of the PCAA permits the British Columbia Farm Industry Review Board (BCFIRB), on hearing an appeal with respect to animals, to require the Society to return the animals to their owner with or without conditions or to permit the Society, in its discretion to destroy, to sell or otherwise dispose of the animals. The Appellants in this case are seeking the return of the Animal.
4. On June 12, 2026, a BCFIRB hearing panel (the Panel) held a hearing via teleconference. The hearing was recorded.
5. The Appellants were represented by counsel. The Appellants gave evidence in support of their appeal and called three other witnesses: X.L., L.Z., and Doctor of Veterinary Medicine (DVM) Ravneet Ghumman.
6. The Society was represented by counsel and called two witnesses: Dr. Margaret Doyle DVM and Animal Protection Officer (APO) Jo Orton.

B. Decision Summary

7. The Panel finds that the Animal was in distress on April 14, 2026, at the time of seizure. The Animal suffered severe traumatic injuries on multiple occasions in a short period of time. No clear or likely history was provided by the Appellants for the injuries or how they occurred. The Society's expert witness strongly suggested that abuse was the likely cause. The Panel further finds that the Animal was in distress due to neglect, specifically as a result of the Appellants' failure to follow veterinary care instructions and provide a safe environment to prevent additional injuries during recovery.
8. The Appellants' failure to acknowledge the severity of the Animal's injuries, their responsibility for the injuries in the first instance, and their neglect in not providing a safe environment for the Animal during its recovery, left the Panel with no confidence that the Animal could be safely returned to the Appellants.

9. Furthermore, the Appellants, who were represented by counsel, did not provide the Panel with a sufficient plan for the Animal's care going forward to ensure that it would not be returned to an environment that would pose a significant risk for further distress.
10. The Animal will remain in the care of the Society in its discretion to destroy, sell or otherwise dispose of the Animal as otherwise set out herein below. The Appellants are ordered to pay the costs for feeding and caring for the Animal while in the care of the Society and the veterinary care costs less the cost for radiographs taken for the purpose of the forensic review. The total costs payable by the Appellants to the Society is \$1,717.80.

C. Material Admitted on this Appeal

11. The Panel identified all the documents received by BCFIRB in advance of the hearing as exhibits. The record comprises Exhibits 1-17.

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

12. On December 7, 2025, the Appellants noticed that Yaling (the Animal) could not lift her tail. The Appellants booked an appointment with Juno Veterinary Main Street Clinic for December 9, 2025.
13. The examination records from that appointment document that Yaling had a limp, swollen, painful tail carried in a low position, that still had sensation. Yaling's respiration and movement was described as normal and her urogenital system was not examined, but urinalysis was performed. An appointment was made for December 11, 2025, for x-rays under sedation, and pain medication was dispensed.
14. On December 10, 2025, the Appellants observed blood in Yaling's litter box and that she was urinating on furniture. They presented Yaling to Canada West Veterinary Specialists Emergency Clinic that evening at 8:00pm. On examination, Yaling had a limp, and a painful, swollen base of the tail. She had normal respirations, was missing a nail on her left hind leg and had a comfortable abdomen. She did not have normal sensation in her tail, only deep pain sensation, and pain medication was prescribed. The Appellants declined further diagnostic testing, as x-rays were scheduled for the following day at the Juno Veterinary Main Street Clinic. As noted in the clinic record, the Appellants were told to strictly rest Yaling for 6-8 weeks, with no running, jumping, playing, or climbing, specifically no climbing on the cat tree, and that she should be kept indoors.

15. Radiographs taken at the Juno Veterinary Main Street Clinic on December 11, 2025, were sent for interpretation. The findings included a dislocation of two tail vertebrae with associated soft tissue swelling centred on the dorsal and lateral sides (tail-pull injury), as well as complete fractures of the left 12th and 13th, and right 11th ribs. All injuries were consistent with recent (acute) trauma.
16. On December 17, 2025, the Appellants picked up an E-collar for Yaling. An E-collar is a protective collar placed around an animal's neck to prevent it from interfering with injuries or areas that are healing.
17. On December 18, 2025, the Juno Veterinary Main Street Clinic refilled Yaling's pain medication prescription.
18. On December 29, 2026, the Appellants observed blood on the back of Yaling's head and took her to VCA Emergency Clinic, where she was examined around midnight. The Appellants reported that Yaling had recently recovered from a fall injury in which she had hit her head and had just finished her pain medication. The wound was described in the clinic record as a small (2-3mm) puncture wound on back of head. The cause was noted as trauma. The wound was cleaned, and antibiotics and pain medication were dispensed. The use of an E-collar was also recommended.
19. On January 8, 2026, the Appellants again presented Yaling at the VCA Emergency Clinic with blood on her mouth and chest. The Appellants mentioned the tail-pull injury and rib fractures and stated that Yaling had been wearing the E-collar but had removed it during the day. They also reported that Yaling continued to urinate outside the litter box and would not let the owners bathe her. The clinic noted fecal staining from diarrhea and urine on Yaling and matting of the coat.
20. The medical records from the January 8, 2026 visit note as follows:

Plan: discussed PE findings with owners. **This is the second instance of "unobserved trauma". Pet largely left unsupervised/unobserved.** Recommend sedated clip and clean of chin, refill of pain medications. Recommended BW (blood work) and UA (urinalysis) to investigate urine changes **but told owner that ultimate she (Yaling) needed to be watched closely for the cause of her injuries.** Under sedation, mandibular fracture appreciated. relayed to owners, recommended follow up with rDVM (regular veterinarian) in the AM for dental assessment and fracture stabilization, but relayed that if not available, referral to dentistry is recommended. **owners described a fall at home.**
21. The VCA Emergency Clinic diagnosed a fracture of the mandibular symphysis (the joint at the front of the lower jaw), a laceration on the underside of the tongue and bruising on the right hip. As the clinic could not perform the jaw repair, they recommended that Yaling be seen by her regular veterinarian the following morning and that she be kept quiet and under supervision until then.

22. The jaw surgery was performed at Trout Lake Animal Hospital and Urgent Care Facility on January 9, 2026. It included the extraction of three teeth due to fractures and instability, as well as repair of a separation of the lower jaw (mandibular symphyseal fracture). The surgeon's notes indicate that the jaw fracture showed signs of early healing suggesting that the trauma was more than 24 hours old.
23. The lab results included urinalysis which reported severe hematuria or blood in the urine.
24. Follow-up rechecks of Yaling after surgery were carried out at the Trout Lake Animal Hospital and Urgent Care Facility on January 19, 2026, and then again on January 26, 2026.
25. On February 3, 2026, the veterinary medical director for a pet insurance company contacted the Society with a complaint requesting a welfare check on the Appellants and Yaling, citing the pattern of injuries and the use of multiple veterinary clinics. The concerns raised included possible abuse of Yaling, and possible associated risk of the owner.
26. On February 4, 2026, APO Orton attended the Appellants' residence for a wellness check, at which time only D.J. was present. The Appellants' cat tree was observed to have been moved outside on the patio. APO Orton stated that both Appellants attributed the recent jaw injury to falls from the cat tree and chairs, possibly complicated by the E-collar catching on something.
27. From February 7 to February 22, 2026, Yaling was boarded with A.C. in Coquitlam. A.C. provided a letter stating he was informed that Yaling had recently undergone jaw surgery, had previous injuries, and would be in recovery during the boarding period. He also stated that he observed Yaling exploring her surroundings and that Yaling showed increasing activity over time. He noted that she was consistently observed moving around, exploring her environment when appropriate, and accessing different areas of the space throughout the stay.
28. On February 8, 2026, Dr. Doyle, the Society's expert witness in animal forensic medicine, was consulted by APO Orton following the wellness check.
29. On April 14, 2026, APO Orton sought and obtained a warrant that was executed at the Appellants' new residence as the Appellants had recently moved.

30. As APO Orton did not yet have Special Provincial Constable credentials, she was accompanied by two RCMP officers who had authority to execute the warrant. The warrant authorized the seizure of medical records, photographs and radiographs for Yaling, as well as the Appellants' dog, which was suspected to have been poisoned. These materials were to be obtained from the Juno Main Street Veterinary Clinic, the Trout Lake Animal Hospital, VCA Vancouver Animal Emergency and Referral Clinic and Canada West Veterinary Specialist.
31. On the basis of Yaling's history of multiple, serious, non-accidental trauma events over a short period of time, and the nature of the resulting injuries (including tail-pull injury and high-rise syndrome), which Dr. Doyle identified as red flags for abuse, Yaling was determined to be in distress and seized by the Society.
32. On April 20, 2026, radiographs taken of Yaling while in the custody of the Society revealed healing of the dislocation of the tail vertebrae and of the mandibular separation. The radiographs also revealed healing fractures in ribs 9-13. Radiographs taken at Juno Main Street Veterinary Clinic in December 2025 had documented rib fractures of the left 12th and 13th ribs and the right 11th rib. When these x-rays were reviewed additional rib fractures of the right 12th, 13th ribs and the left 11th rib were documented for a total of six fractures present in December. The April 2026 radiographs also showed new fractures in ribs 9 and 10 that were not present in December.

E. Review Decision

33. On May 13, 2026, Ms. Moriarty issued her review decision in which she outlined her reasons for not returning the Animal to the Appellants (the "Review Decision"). She reviewed the Society's complete file for this matter. Ms. Moriarty was satisfied, based on the evidence, that the provisions contained in Section 11 of the PCAA had been met and that the Animal came into the Society's custody in accordance with the PCAA. With respect to the return of the Animal, Ms. Moriarty set out in detail the injuries sustained by the Animal while in the Appellants' care and concluded, "Based on the compelling and uncontradicted expert evidence in this case, it would be irresponsible if not reprehensible for me to order Yaling's return to your custody."

F. Key Facts and Evidence

34. In an appeal under the PCAA, the Panel must determine whether the Animal was in distress at the time of the seizure and if it should be returned to the Appellants. Below is a summary of the relevant and material facts and evidence based on the parties' written submissions and evidence presented during the hearing. Although the Panel has fully considered all the facts and evidence in this appeal, the Panel refers only to the facts and evidence it considers necessary to explain its reasoning in this decision.

Appellant Witnesses:

T.W.L.

35. T.W.L. stated that she obtained the Animal in Ontario as a kitten on June 3, 2020. Yaling is a silver chinchilla Persian cat with yellow eyes who doesn't like to be held or restricted.
36. T.W.L. noted that she had also had a dachshund named Chambae, who was euthanized after suspected exposure to rat poison in October 2025. T.W.L. stated that she felt Yaling had been depressed after that loss.
37. T.W.L. described the emotional toll that having Yaling seized on March 17, 2026, took on her.
38. T.W.L. described sharing the care of Yaling with D.J., her boyfriend, after he moved into her residence with her, but that she was the primary care giver for veterinary appointments.
39. T.W.L. stated that her residence was on the ground floor with a sliding glass door that led through a patio to the street. She described Yaling as an indoor cat, that is also curious and would rush out the door when opened and had been known to be out of sight for up to an hour. The frequency of this type of event was unclear in her testimony. T.W.L. stated that Yaling would often come back if T.W.L. shook her treat box. She stated she was not worried because Yaling was microchipped, had never gone missing, and had previously been allowed outdoor access from her ground floor residence in Toronto, always returning safely.
40. T.W.L. described some digestive health issues Yaling had as a kitten, her spay surgery, and incidents of some inappropriate urination on furniture in 2023. She stated that she had always taken Yaling for her annual wellness examinations.
41. T.W.L. provided her recollection of the Animal's injuries in December 2025 and January 2026. She stated that she asked for the x-rays in December, and she noticed the rib fractures which had not been mentioned to her at the clinic. T.W.L. also stated that only D.J. was home on January 8, 2026, when Yaling sustained the injuries to her lower jaw and teeth.
42. T.W.L. described Yaling falling awkwardly on several occasions from several pieces of furniture while wearing the E-collar.
43. T.W.L. said that she could not remember the last time that Yaling had been outside at her previous residence. T.W.L. stated that Yaling had experienced no further injuries since the move to her new residence.

D.J.

44. D.J. confirmed his relationship with T.W.L. as she described it in her testimony. He moved into her residence in March 2025 and stated he had always wanted to have pets.
45. D.J. confirmed that Yaling was a curious cat and went outside through the patio door at the residence, however the exact opportunities that allowed her to do this and the frequency of her being outdoors in this manner was not clear. Overall, it seemed that Yaling may have gone outside several times a week but had not been let out intentionally in the majority of cases. He stated that after the tail injury Yaling was never intentionally let outside and he had not observed her outside. He stated that after the tail injury they did not let her out and did their best to keep her in.
46. On December 7, 2025, D.J. stated that he and T.W.L. had noticed that Yaling's tail was droopy and thought that she was depressed from the loss of their dog Chambae in October 2025. D.J. based Yaling's depression on small changes that he noticed in her behaviour.
47. D.J. stated that on January 8, 2026, he was working from home, and T.W.L. was not present. The pet camera was on but only to monitor Yaling's food and water consumption in her recovery from the tail injury, and the patio door was closed.
48. D.J. stated that on that morning Yaling had removed her e-collar over night and he had replaced it on her. He stated that this was not an uncommon occurrence. D.J. worked from the bedroom with the door closed. He stated he saw Yaling resting on a mattress by her food and water with her cone on when he took a lunch break. At approximately 2:00pm D.J. left the bedroom to get water and noticed that Yaling had quite a bit of blood around her mouth and did not have her cone on. He contacted T.W.L. who came home.

X.L.

49. X.L. is a master's student at University of Southern California (USC) who has known T.W.L. for more than 10 years, and has known D.J., for approximately two years through T.W.L.. In September 2025, she traveled to Vancouver to attend a course and visited with T.W.L. and D. J. every day for a week.
50. X. L. noted a comfortable safe clean environment for Yaling and observed play between both T.W.L. and D.J. with Yaling.

L.Z.

51. L.Z. met D.J. 4 years ago through a friend's group and has known T.W.L. for one and a half years. She has been in the Appellants' residence once, on March 9, 2025, to pet sit Yaling and Chambae while T.W.L. and D.J. were away for T.W.L.'s graduation. Prior to this she did an extended tour of the residence on a video call where D.J. provided detailed instructions on the care of the pets and she stated that he also texted instructions. D.J. had also been in L.Z.'s residence and interacted with her cats, where she noted he was very affectionate and kind.
52. While pet sitting Yaling L.Z. noted that she was calm and the environment was clean.

DVM Ravneet Ghumman

53. Dr. Ghumman is a registered veterinarian in the province of British Columbia who currently is employed at the Newton Animal Hospital. She was previously employed at the Trout Lake Animal Hospital and Urgent Care facility where on January 26, 2026, she saw Yaling for a recheck after her surgery with Dr. Ward at that facility. This post-surgical recheck was carried out in the treatment area of the hospital without the owners present and did not include a general physical examination or sedation.
54. The Animal was brought to the clinic for suture removal, but all sutures were dissolving and so removal was not required. Dr. Ghumman stated that Yaling was calm and compliant and that the surgical site was healed and the wound appeared well cared for.
55. In the medical records of the appointment, Dr. Ghumman observed a crown tip fracture of the left lower canine (304) and noted that it appeared to be a new finding. She discussed the findings with the owner and recommended that they speak with Dr. Ward, as an additional dental procedure may be required in the future.
56. Dr. Ghumman stated that the home care recommended was consistent with the care recommended by Yaling's surgeon, Dr. Ward; to continue wet food for two more weeks, and to use the cone for one more week.

Respondent Witnesses:

DVM Margaret Doyle

57. Dr. Doyle testified as to her credentials and was accepted by the Panel as an expert witness in Forensic Veterinary Medicine. She is also a primary care veterinary practitioner licensed in the province of Alberta. Dr. Doyle prepared a full

report with an addendum on May 13, 2026, which was also submitted by the Society.

58. Dr. Doyle stated that her initial review of the file provided sufficient information for her to reach the opinion that Yaling's injuries (excluding the puncture to the back of the head on December 29, 2026) were red flags for abuse. She identified multiple non-accidental injuries with no explanations or witnesses, including the classic indicators of abuse such as a tail-pull injury, rib fractures, and a mandibular symphyseal fracture. In her expert opinion, the location of the rib fractures and the occurrence of the lower jaw dislocation in the absence of a significant fall or other traumatic event (such as being hit by a vehicle), led her to conclude with a high degree of certainty that the injuries were a result of abuse.
59. When questioned, Dr. Doyle acknowledged that these red flags increased the suspicion of abuse but did not diagnose abuse, and further investigation was warranted.
60. Additionally, in her review of the radiographs taken of Yaling by the Society on April 29, 2026, Dr. Doyle diagnosed three additional rib fractures that were not present in the December 8, 2026, radiographs. These were at least two months old and so it could not be ruled out that they occurred while Yaling was with the cat sitter.

APO Jo Orton

61. APO Orton described receiving a complaint from a pet insurance director on February 3, 2026, and stated that it was the first time that the Society had received a complaint from a pet insurance company. She explained that the director based the complaint on the facts that Yaling had been seen by multiple veterinarians, had experienced a sudden increase in injuries commonly associated with abuse, and that the histories provided did not include a clear or witnessed source of trauma. The director also expressed concern that the separate clinics may not have been aware of the overall pattern of the injuries. A welfare checks on the owner and the Animal were requested. It is noted that, on investigation, there were no prior police welfare checks on the record for the residence.
62. APO Orton described her investigation after the welfare checks which led her to securing the warrant for the seizure on April 14, 2026. The details of that investigation have been set out in the history section above.
63. APO Orton stated that following the seizure, the Animal was taken to a nearby veterinary facility to assess her condition and determine whether she was fit for transport and overnight sheltering. The veterinary facility indicated that she was stable for transport and short-term sheltering but needed further evaluation.

64. APO Orton stated that the next day, April 15, 2026, Yaling was taken for x-rays; however, sedation was not possible as she had most likely eaten that morning. APO Orton acknowledged that Yaling appeared happy to leave her kennel and was okay with the examination but twice jumped off the examination table in an attempt to get back into her kennel.

The Hearing of this Appeal

G. Analysis and Decision

65. 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.

66. 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.

67. We have also proceeded on the basis that the Appellants have an onus to show, that the remedy they seek (return of the Animal) is justified. The first issue to consider is whether the Animal was 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 Animal or whether doing so would return the animal to a situation of distress.

68. The Appellants presented as intelligent and caring individuals. The evidence they provided through documents, photographs, and testimony, demonstrated that they provided for all of Yaling's necessities: food, water, shelter, light, space, ventilation, exercise, care and veterinary treatment. The Appellants' home was sanitary and Yaling was protected from heat and cold.
69. The evidence also clearly demonstrates that Yaling suffered significant traumatic injuries on multiple occasions and that veterinary treatment was sought in a timely manner and pain medications were provided.
70. The Appellants' evidence shows that a purebred Persian cat intended to be raised indoors, had at the very least unintentional access to the patio at the Appellants' residence which provided direct access to the street and that she was unsupervised and out of sight often when she had this access.
71. When the Appellants noticed that Yaling was not lifting her tail, both Appellants indicated that they felt a significant cause of this was depression from the loss of their dog, and neither mentioned an immediate concern for an injury.
72. The December 11, 2026, veterinary instructions for the care of Yaling following the diagnosis of multiple rib fractures and tail vertebral injury were to keep her indoors and to make sure there was no jumping until otherwise instructed. Neither Appellant could confirm that the Animal was kept indoors, and awkward falls were described in their testimony following this date, indicating that the Animal was not provided with an environment that would have prevented her accessing the outdoors or protected her from the possibility of a fall.
73. Three weeks later, on December 29, 2026, the Animal sustained another injury, a puncture wound to the back of her head. The Appellants attributed this injury to a grooming accident or a fall. Neither explanation seemed plausible to the attending veterinarians based on the medical records, nor by the expert witness. Regardless of the validity of the explanation for the injury, it is clear that the Animal was not being prevented from jumping up and thus falling down.
74. Less than two weeks after this incident on January 8, 2026, when the Animal was taken to emergency with the oral injuries, the Appellants again listed falling as the possible cause.
75. The Society relied on expert witness evidence that the injuries, other than the puncture to the back of the head, were consistent with a pattern of abuse. The Panel acknowledges that the expert's interpretation of Animal's injuries is consistent with abuse however no direct evidence of abusive behaviour engaged in by either of the Appellants was provided in this appeal.
76. What is clear is that the Animal, while recovering from multiple fractured ribs was in an environment that failed to protect her from further serious injuries over a brief period of time. Despite seeking veterinary treatment and even changing

environments, at the time of the seizure, the Animal was still at risk of further injury, whether the Appellants' intended to injure or not. The Appellants repeatedly failed to address the risk factors contributing to the Animal's injuries, and as such failed in their responsibilities under the PCAA to protect the Animal from distress.

77. The Panel finds that the Animal was in distress at the time of the seizure. The Appellants' neglected to provide an environment for the Animal that would protect her from further injury despite being advised to do so repeatedly by the Animal's examining veterinarians in their home care instructions.

H. Return of the Animal

78. The Appellants changed residences and stated that this would allow greater supervision of the Animal as T.W.L. would be working from home, and D.J.'s Mother would also be in residence. The move would also prevent the Animal from running outside unattended as their new residence is located on the eighth floor.
79. It is unknown exactly when the Animal suffered the tail-pull injury, the multiple injuries at separate times to her ribs, or the puncture on the back of her head. However, it was well documented that she suffered the oral injuries while only D.J. was home. The Appellants' evidence is that they could not determine the actual cause and location of where in their residence the injuries occurred. As such, the Panel cannot accept that changing their residence will make a sufficient difference in the prevention of further accidents and injuries.
80. The Appellants' failure to prevent further harm to the Animal by stopping her from jumping and falling after the tail-pull injury does not give the Panel confidence that the Appellants understood the seriousness of the injuries or the home care instructions.
81. Furthermore, the Appellants' focus on the Animal's diet, including the use of a pet camera to monitor food and water intake, following the tail-pull injury—without restricting access to the outdoors or activity involving elevated furniture—also does not give the Panel confidence that the Appellants understood the seriousness of the injuries or the required home care instructions.
82. Three weeks after the diagnosis of fractured ribs and the tail pull injury, and five days after the Appellants reported that the Animal could briefly lift her tail, the Animal was presented to the veterinary facility for the puncture wound on the back of her head. In the history provided, the Appellants state that the Animal had fallen recently, and that the wound was discovered when clipping mats during a grooming session. T.W.L. also suggested that the injury may have occurred while grooming.

83. The Appellants' documents and testimony indicate that they sought information from veterinarians as to how the accidents and injuries could have happened, but they provided little explanation based on their own observations of the Animal, other than general references to the Animals' propensity for falls. The significant risks associated with the Animal's access to the outdoors were not mentioned in the histories provided to the treating veterinarians. In relation to the Animal's oral injuries, she was at home with D.J. present when it occurred, and was she was described as having blood on her head and chest; however, there is no record of blood being found anywhere else in the apartment that would have provided a clue as to where and how this injury occurred.
84. The new residence is on the eighth floor and does not have a sliding glass door. However, the Appellants did not substantively demonstrate how this would prevent the Animal, whom they describe as curious and prone to running out of doors, from escaping the new residence beyond noting that the door in the new residence is easier to close. There was also no information on measures undertaken by the Appellants to prevent the Animal, once on the balcony, from possibly jumping onto objects and potentially falling. The Appellants did not demonstrate how the change in their residence would mitigate risks that they had previously failed to address.
85. The Appellants have not demonstrated that the Animal can be returned to their care. Their failure to provide any reasonable explanation as to the significant injuries sustained by the Animal while she was in their care, and their failure to provide a plan for the return of the Animal which addresses their previous neglect, leaves the Panel with no other conclusion than that the Animal must remain in the care of the Society.

I. Costs

86. 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.

87. 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)”.
88. The Society is seeking costs as follows:
- | | |
|---|-------------------|
| (a) Veterinary costs: | \$1,676.39 |
| (b) SPCA time attending to removal: | \$68.48 |
| (c) <u>Housing, feeding and caring for Yaling</u> | <u>\$987.90</u> |
| (d) Total: | \$2,732.77 |
89. 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 Animal. The calculation of these estimates has been reviewed and supported in previous appeals.
90. The Appellants disputed charges claimed by the Society that were for tests required or requested by the expert witness in forensic veterinary medicine, and not for the well being of the Animal.
91. The Panel supports removing charges that were not for the health and care of the Animal. The radiographs taken subsequent to the Animal coming into the care of the Society could be justified to investigate any additional injuries, despite the veterinary report on March 31, 2026, indicating that no injuries were noted. The additional radiographs taken on April 30, 2026, are justified in the record as for the forensic review and not specifically for the health and care of the Animal and so the charge for \$1014.97 will not be included leaving the veterinary costs at \$661.42.
92. The Appellants did not dispute the charges for the feeding and care of the Animal. The Appellants did not indicate any inability to pay

J. Order

93. 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 Animal, with the obvious hope that the Animal will be adopted unless circumstances somehow preclude that possibility.
94. The Panel further orders, pursuant to s. 20.6(c) of the PCAA, that the Appellants are liable to the Society for costs in the total amount of amount of \$1,717.80.

Dated at Victoria, British Columbia this 26th day of June 2026.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:

A handwritten signature in black ink, appearing to read 'Pritchard', written over a horizontal line.

Jane Pritchard, Presiding Member