



BC FARM INDUSTRY REVIEW BOARD

Guidance for PCAA Appeal Hearings

A hearing before the [BC Farm Industry Review Board \(BCFIRB\)](#) is an opportunity to tell a BCFIRB Panel why you think the Decision of the BC Society for the Prevention of Cruelty to Animals (BCSPCA) about your animal(s) should be changed. The BCSPCA will also have the opportunity to tell the Panel why it thinks its Decision is correct.

This document is a general overview of the BCFIRB appeal hearing process and an instructional guide for appellants.

For more information on the specific rules and procedures, please view the: [Rules of Practice and Procedure for Appeals under the Prevention of Cruelty to Animals Act, R.S.B.C. 1996, c. 372](#)

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Notice of Appeal & Process Letter

The Notice of Appeal is the form you must fill out to begin your appeal with BCFIRB.

Notice of Appeal (NOA):

1. The BC SPCA will send you a Review Decision. This letter explains why your animal(s) will not be returned to you.
2. You have **4 calendar days** from the date that you receive the BCSPCA Review Decision to file your [Notice of Appeal \(NOA\)](#) with BCFIRB:
 - Send the completed NOA to firb@gov.bc.ca and the BCSCPA.
 - Contact Case Management staff at 250-356-8945.
3. You have **6 calendar days** from the date that you receive the BCSPCA Review Decision to pay the \$100 filing fee.
 - Click [here](#) for instructions on how to pay.
4. After BCFIRB receives your NOA and filing fee, Case Management staff will send a Process Letter to you (the appellant) and the BCSPCA.

Process Letter:

1. Case Management staff will send a Process Letter within **2 business days** of receiving your NOA and filing fee.
2. Read the Process Letter carefully. It contains important information about your appeal, including:
 - [Hearing date](#)
 - How to join the hearing (see [hearing format](#))
 - BCSPCA submission deadlines
 - Appellant (your) submission deadlines
 - The date the Decision will be released.

Getting Ready for Your Hearing

Use this section to help prepare yourself for your animal custody appeal hearing.

Your Case:

1. To build your case, focus on the following questions, as these are the questions the Panel will consider:
 - Were your animals in distress and if the seizure of your animals was justified.
 - Whether it is in the best interest of your animals to be returned to your care, or if they would be returned to a situation of distress.

Submission Schedule:

1. The submission schedule begins when you receive your Process Letter and ends before the hearing. During this time, documents are exchanged between you (the appellant), the BCSPCA (the respondent), and BCFIRB (the Panel).
2. The submission schedule happens in this order:
 - BCSPCA initial disclosure & witness list
 - Appellant initial submissions & witness list
 - BCSPCA final reply & submissions
 - Appellant final reply submission
3. Submissions must be sent to all Parties (appellant and BCSPCA) and BCFIRB on or before the dates outlined in the Process Letter.
4. BCFIRB will issue a written decision within 10 business days after the hearing concludes. Because of this timeline, submission deadlines and hearing dates are firm and will only be changed in exceptional circumstances.

Evidence & Submissions:

1. The submissions or “evidence” is what you will use at the hearing to support your case. These submissions can include the following:
 - **Oral testimony:** you will provide your own testimony, a verbal account of events;
 - **Documentary evidence:** documents in relation to the matter, letters, receipts, etc.
 - **Photographs:** photographs may be submitted as evidence if you can explain what they show, when they were taken, and who took them.

- **Videos:** videos related to the appeal may be submitted before the hearing in the format specified by BCFIRB.
 - **Affidavit Evidence:** a sworn written statement of a witness (i.e., Notarized)
2. The BC SPCA will also provide evidence and submissions to support its case. Review these materials carefully before the hearing and prepare any questions you may have about them. See [cross examination](#).

How to Submit Your Documents:

1. You must send your documents to both the BCSPCA and BCFIRB staff on or before your submission dates.
2. These documents can be sent via email, secure file transfer, mail or fax.
3. If you choose to use a secure file transfer service to upload a large volume of documents, the link can be found [here](#).
4. The document submissions must be in the required format outlined in the [BCFIRB Document Disclosure Practice Directive](#).

Witnesses:

1. A witness is a person who provides evidence that is relevant to the appeal.
2. If you choose to bring witnesses to the hearing to support your case, complete and submit the [witness contact form](#) by the deadlines set out in the Process Letter
3. If you wish to bring an Expert Witness, please fill out the [Expert Witness Contact Form](#).
4. How to prepare your witness(es) effectively:
 - A witness should have their own personal experience of the situation.
 - A witness should have valuable information that supports your case.
 - Prepare a list of questions you plan to ask each witness.
 - Do not ask your witness leading questions i.e. a question that encourages the answer you want to hear.
 - Example of a leading question: “I was a good pet owner, wasn’t I?”
 - Instead, try asking: “How did you observe me treating my animals?”

Costs:

1. The BCSPCA may seek an order against you for the costs of care for your animals while in their possession. The amount of the costs order may be significant and may be enforceable against your personal assets.
2. You should review the costs claimed by the BCSPCA and provide any relevant evidence you have on that issue. If you do not address the BCSPCA's costs of care then the only evidence the Panel will consider when determining that issue will be the BCSPCA's evidence.
3. Both the appellant (you) and BCSPCA can speak to costs during the hearing.
4. For more information on costs in the appeal process, see Rule 10(1) and (2) of the [PCAA Rules of Practice and Procedure](#).

Cross Examination:

1. Cross-examination is your opportunity to ask questions of the BCSPCA's witnesses about their testimony and evidence.
2. It is also the BC SPCA's opportunity to ask you and your witnesses questions about your testimony and evidence
3. After you finish giving your testimony, the BCSPCA will have an opportunity to cross-examine you. Similarly, after a BCSPCA witness gives their testimony, you will have an opportunity to cross-examine that witness.
4. Cross-examination is used to ask questions about a witness's evidence. It is not an opportunity to make arguments or give additional testimony.

What is an Affirmation or Oath?

1. An affirmation or oath is a solemn promise to tell the truth.
2. Before giving evidence or testimony, you will be asked by the Panel to take an oath or make an affirmation.
3. Anyone at the hearing providing evidence and testimony will be asked to take the oath, this includes:
 - the appellant;
 - the appellant's witnesses;
 - BCSPCA's witnesses; and
 - any expert witnesses.

Prehearing Applications:

1. Either party to the appeal (appellant or respondent), may file a pre-hearing application with BCFIRB about one or more of the following:
 - vary the application of one or more of the rules of practice and procedure
 - summarily dismiss an appeal (ATA s. 31);
 - obtain a summons for a witness; (ATA s. 34(3));
 - adjourn the hearing of an appeal (ATA s. 39(2));
 - receive evidence in confidence (ATA s. 42);
 - address a jurisdictional issue; or
 - address any interim or procedural matter including the form of hearing.
2. All pre-hearing applications must be made in writing to BCFIRB unless indicated otherwise.
3. Please see Rule 5 of the [PCAA Rules of Practice and Procedure](#) for more specific information on pre-hearing application.

What to Expect at Your Hearing?

Use this section to find information on what your hearing day will look like.

Format:

1. The hearing will be held via telephone unless Case Management staff have indicated otherwise.
2. The hearing is scheduled from 8:30am – 4:30pm.
3. The dial in details are provided in the Process Letter.

Who Will Be at My Hearing?

2. The participants at the hearing will consist of the following:
 - Appellant
 - Respondent (BCSPCA)
 - Witnesses or Expert Witnesses
 - Panel (1-3 BCFIRB Decision Makers)
 - BCFIRB Staff Member (Case Manager)

Day of Your Hearing

8:30 am - Hearing Begins:

1. The hearing will begin at 8:30 am. Please login early to ensure your technology works.
2. The Panel will confirm who is on the call, give instructions/information on how the hearing will go and address any preliminary issues.

9:00am-12:00pm – Appellant’s Case:

3. The appellant will have up to three hours to present their case. This may include:
 - Your testimony and evidence you want to present
 - Cross-examination by the BCSPCA’s legal counsel
 - Asking questions of your witnesses (if any)
 - Questions from the Panel

12:30pm – 3:30pm – BCSPCA (*Respondent’s*) Case:

4. The BCSPCA will also have three hours to present its case. This may include:
 - Evidence provided by the BCSPCA
 - BCSPCA witnesses and expert witness evidence
 - Any cross examination/questions by the appellant
 - Questions from the Panel

3:40pm – 4:30pm – Closing Arguments:

5. You will have the opportunity to provide closing arguments regarding the case and address your positions on costs. The BCSPCA will have this opportunity as well.
6. Closing arguments are your opportunity to summarize the evidence and explain why the Panel should decide the appeal in your favour.
7. You also have the right to a final reply during the closing arguments.

4:30pm – End of the Hearing:

8. The hearing will be closed no later than 4:30pm. No further evidence or submissions will be accepted after the close of the hearing.

What to Expect After My Hearing?

Decision:

1. The BCFIRB Panel will make a decision on the following items, under the Prevention of Cruelty to Animals Act:
 - Require the BCSPCA to return the animal(s) with or without conditions regarding care;
 - Permit the BCSPCA, at the BCSPCA's discretion, to destroy, sell or otherwise dispose of the animal(s); and/or
 - Confirm or change the costs the owner is liable for.

Decision Issuance:

1. Once the hearing has been closed, there is no further action required by you.
2. The Panel will issue its within 10 business days after the hearing. The decision release date is outlined in the Process Letter.
3. The written decision will be released to all parties via email, unless otherwise requested.
4. BCFIRB will post a copy of the decision to its website no less than 5 business days after the decision has been issued.
5. See previous Animal Custody Appeal Decisions, [here](#).

Judicial Review (JR):

1. BCFIRB appeal decisions are subject to judicial review.
2. To start a judicial review of a BCFIRB appeal decision, you need to file a petition with the B.C. Supreme Court within sixty (60) days of a BCFIRB panel decision.
3. A petition must allege that BCFIRB acted in one or all the following ways:
 - made unreasonable findings of fact or law or exercise of discretion;
 - acted in a procedurally unfair manner; or
 - made an incorrect jurisdictional decision.
4. For more information on the judicial review process, please visit the [BC Judicial Review Self-Help Guide](#).

Appropriate Behaviour at Your Hearing – Civility and Conduct

1. BCFIRB strives to ensure that the hearing of your appeal is conducted in a fair, safe and respectful manner. Obnoxious or threatening behaviour will not be tolerated.
2. If either parties' conduct is disrupting or disrespectful to the other participants in the hearing, the offending party or witnesses may be muted and warned by the panel. If the behaviour continues then the Panel may make procedural orders excluding the offending party or witness, and in extreme cases may discontinue the hearing.
3. If you hear evidence or submissions in the course of the hearing which you find is inaccurate or irrelevant, you may object to that evidence if it is not relevant and you can (respectfully) cross examine that witness when it is your turn to ask questions.

What If I Need Extra Assistance?

BCFIRB is committed to making the appeal process accessible. If you need support to participate in your hearing, accommodations are available.

Interpretation Services and Other Accommodations:

1. If you need an interpreter for the hearing day, please indicate so in the "Accommodation" box on the NOA form (example below).
2. If you require any other accommodation to participate in your hearing, please describe your needs in the "Accommodation Request" section of the NOA form.
3. After your appeal is accepted, Case Management staff will contact you to discuss your accommodation needs and help arrange appropriate supports where possible.

A: Accommodations Request

List any accommodation you require.

NOTE: Not all requests can be accommodated.

How to Contact Us:

BC Farm Industry Review Board

Hours: 8:30 am – 4:30 pm, Monday to Friday (excluding statutory holidays).

Tel: 250-356-8945

Fax: 250-356-5131

Email: firb@gov.bc.ca

Website: BC Farm Industry Review Board

Street Address	Mailing Address
BC Farm Industry Review Board 2975 Jutland Rd, 1 st Floor Victoria, BC V8T 5J9	BC Farm Industry Review Board PO Box 9129 Stn Prov Govt, Victoria, BC V8W 9B5