



BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD (BCFIRB)

Appeal Process under the *Prevention of Cruelty to Animals Act*

FACT SHEET

BC SPCA

BC SPCA takes custody of animals following its investigation process. Person responsible unable or unwilling to relieve animal of distress or animal is abandoned



Owner, operator or custodian requests BC SPCA for an internal review of the original BC SPCA decision to take custody of the animals



Animal(s) not returned to owner
Notice given of BC SPCA review decision that animal will be destroyed, sold or otherwise disposed of



Animal(s) returned to owner
Returned with or without conditions (care agreement)

Before an appeal can be filed with BCFIRB, except for appeals only about costs, the animal owner, operator or custodian must first ask the BC SPCA to do an internal review as above.

BCFIRB APPEAL

Owner, operator or custodian may file an appeal with BCFIRB about one or more of the following:



BC SPCA review decision that the animal will be destroyed, sold or otherwise disposed of

Must be filed with BCFIRB within 4 calendar days of receiving BC SPCA review decision



BC SPCA original decision to take custody of the animal if the BC SPCA does not provide a review decision within 28 days after request for review is made

Filed with BCFIRB no earlier than 28 calendar days after request for review



Payment of animal care cost

Must be filed with BCFIRB within 4 calendar days of receiving a demand for payment of costs from the BC SPCA

An appeal only about animal care costs can be filed without asking the BC SPCA for a review.

A \$100 Filing Fee must be included when an appeal is sent to BCFIRB.



BCFIRB Hearing Process

The following is a general overview of the BCFIRB hearing process. This process and timeline may change depending on the specific case. BCFIRB's intent is a fair process for all parties, while recognizing timeliness is important in animal care and minimizing costs.

BCFIRB HEARING

Step 1: Notice of Appeal and Filing Fee

The owner, operator in relation to, or the custodian of the animal sends a completed Notice of Appeal and \$100 filing fee to BCFIRB. He or she sends a copy of the Notice of the Appeal to the BC SPCA at the same time.

Step 2: Submission Schedule [provided by BCFIRB within 3 business days]

BCFIRB will provide the appellant (the person appealing the BC SPCA decision) and the BC SPCA (the respondent) with a submissions schedule. The schedule will set out the time in which the appellant has to make their submission to BCFIRB, the time for the BC SPCA to respond and the time for the appellant's reply. Submissions must include a clear statement of the issue(s), the grounds for the issue(s), evidence, affidavits and remedies (solutions) requested.

Step 3: Submissions by Appellant and BC SPCA [within 13 business days]

Written submissions, including witness affidavits and response submissions, from both the appellant and the BC SPCA will be sent to BCFIRB and copied to each other within the scheduled times set in Step 2.

Step 4: Telephone Hearing [within 3 business days following submissions]

The appellant and the BC SPCA will present their summarized arguments and requested outcomes to a BCFIRB panel. Parties may have an opportunity to question each other, and be required to answer any questions the BCFIRB panel may have.

Step 5: BCFIRB Decision [no later than 10 business days following hearing]

BCFIRB will release a written decision with reasons and send it to both the appellant and the BC SPCA. The decision will be posted to the BCFIRB web site within 7 days after it is delivered to the parties.

BCFIRB decisions are final and only subject to judicial review by the BC Supreme Court.

See BCFIRB's Rules of Practice and Procedure for Appeals under the *PCAA*.

To report animal welfare concerns or make general enquiries, contact the BCSPCA at 1-855-622-7722.

For questions about BCFIRB's appeal process, contact 250-356-8945, firb@gov.bc.ca or visit [the FIRB Website](http://theFIRBWebsite)

For more information about preparing for a hearing, see AdminLawBC at www.adminlawbc.ca