



BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD (BCFIRB)

Hearings under the *Prevention of Cruelty to Animals Act* **PREPARING FOR A HEARING**

A hearing is your opportunity to tell a BCFIRB panel why you think the BC Society for the Prevention of Cruelty to Animals (BCSPCA) decision about your animal(s) should be changed. The BCSPCA will also tell the panel why it thinks its decision is correct.

Your hearing will be conducted by telephone unless BCFIRB advises otherwise.

Who Will Be At My Hearing?

<i>Appellant:</i>	<i>The person who has filed the appeal</i>
<i>Respondent:</i>	<i>BCSPCA</i>
<i>Witness:</i>	<i>A person(s) who will provide evidence in support of a case</i>
<i>Expert Witness:</i>	<i>A person(s) who will provide expert opinion evidence in support of a case</i>
<i>Representative:</i>	<i>A person who can assist the appellant through the hearing process</i>
<i>Legal Counsel:</i>	<i>Lawyer representing a party in the appeal</i>
<i>BCFIRB panel:</i>	<i>BCFIRB member who will hear your case and make a decision</i>
<i>BCFIRB Staff:</i>	<i>BCFIRB staff who assists with hearing process</i>

*Please note that hearings are not open to the public.

How Do I Prepare for My Hearing?

You can use the following checklist to help you prepare for your hearing.

DONE



Read your BCFIRB Notice of Appeal Letter – it tells you how to submit evidence, how to arrange for witness(es), the date and time of your hearing and the telephone number for your hearing.



Send your submissions (“evidence”) as instructed in the Notice of Appeal Letter.

Evidence is whatever you will use at the hearing to prove your case. You have to think about it as soon as possible, so that you can be prepared at the hearing. Evidence includes and not limited to:

- oral testimony: a witness¹ comes and answers questions at the hearing; (In most hearings, you, as the Appellant or as a representative of the Respondent, will be providing oral testimony.)
- documentary evidence: documents, such as letters are presented at the hearing by either a witness or a party;
- photographs: photographs are sometimes used as evidence if the person who took them can properly identify them and additional copies are provided; and

¹ Witness is a person who provides evidence in support of a case for either the Appellant or Respondent.



- affidavit: a witness makes a sworn (i.e. using a Notary Public) statement in writing that is presented to the hearing panel.

Try to break your case down into each reason why your animal was seized and decide what evidence you will use to prove each one. The best way to do this is to get out the notice of appeal (and other related documents) for reference and write yourself some speaking notes. Check to ensure that you are providing enough evidence to establish what you want the BCFIRB to decide.

It is important your evidence is provided by the deadlines given to you. **The panel may or may not consider any evidence that was not provided before the hearing.**

Send your witness(es) contact information to BCFIRB as instructed in Notice of Appeal Letter. You must tell your witness(es) the date and time of the hearing so they know when to be available. See the Witness Contact Sheet and Expert Witness Handout for more information.

Prepare your witness(es). Prepare the questions you will be asking them ahead of time. E.g. ‘What personal first-hand knowledge do you have about this situation?’ ‘Why do you think the BCSPCA decision is wrong?’

Make speaking notes listing the points about your evidence you wish to talk about at the hearing. Think about how you would explain your situation and the solutions you want to another person who doesn’t know you or the issue(s) involved. Make sure your notes focus on the evidence you provided during the submission process.

Review the BCSPCA evidence and prepare any questions you have about their evidence to ask them at the hearing.

What Should I Have With Me At My Hearing?

You can use the following checklist to help you make sure you have everything you need at your hearing.

DONE

BCFIRB’s Notice of Appeal Letter for reference on times, dates and call in numbers.

Your submission (evidence) that you sent in during the submission process.

The BCSPCA submission (evidence) sent in during the submission process.

Notes and questions you prepared before the hearing.

List of your witness(es) and their contact information if you have witnesses.

Pen(s) and paper to write down notes and questions throughout the hearing.

Phone. If battery operated ensure your phone’s battery is fully charged before the hearing.



What Will Happen At My Hearing?

The hearing will happen as follows:

1. At the start of the hearing the panel chair will outline the process for everyone on the call and will set rules to ensure that everyone has a chance to speak and ask questions.
2. Both you and the BCSPCA will be given the opportunity to give an opening statement on whether you have any new evidence you would like the panel to consider accepting.
3. You and any witnesses will be asked to take an oath or affirmation that you are speaking the truth when you are asked to speak about your evidence.
4. You (the appellant) will talk about your evidence and requested outcomes to the panel.
5. The BCSPCA and the panel may ask you questions.
6. Your witnesses (if any) will be asked by the panel to provide their evidence.
7. The BCSPCA and the panel may ask your witness questions.
8. The BCSPCA will present its evidence and requested outcomes to the panel.
9. You and the panel may ask the BCSPCA questions.
10. The BCSPCA witnesses (if any) will be asked by the panel to provide their evidence.
11. You and the panel may ask the BCSPCA questions.
12. Once everyone has given their evidence and there are no further questions the panel will end the hearing.

The panel will give its decision in writing after the hearing (generally within 10 days). The decision will be sent to you when it is made.

If you get disconnected, call back into the hearing **immediately**.

Identify yourself when you speak and speak one at a time. It is important for the panel to know who is speaking and to hear what they are saying.