



April 2, 2015

File: PCAA

DELIVERED BY EMAIL

Kathleen Wong
[REDACTED]
[REDACTED]

Dear Ms. Wong:

MARCH 26, 2015 DECISION OF THE BC SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (BC SPCA) REGARDING THE SEIZURE OF THREE DOGS

Under the *Prevention of Cruelty to Animals Act (PCAA)*, a person aggrieved by a seizure decision of the BC SPCA may appeal to the BC Farm Industry Review Board (BCFIRB).

Section 20.3(2)(b) of the *PCAA* requires appeals from BC SPCA decisions such as the March 26, 2015 decision to be filed, complete with filing fee, within four days of the decision. In the interest of timeliness in addressing animal welfare issues, there is no provision under the *PCAA* to extend the filing time for appeals.

However, under s. 22(4) of the *Administrative Tribunals Act*, BCFIRB may “allow for a reasonable period of time within which the notice (of appeal) may be corrected or the fee is to be paid”. That period of time has been established by BCFIRB as being within two days of first receipt of a notice of appeal, as outlined on the board’s website information on how to file an appeal:

To file an appeal with BCFIRB, you need to:

1. Complete a Notice of Appeal Application Form and submit it to BCFIRB by mail, courier, email or fax within the timelines given below. A non-refundable \$100 filing fee...must be included with your application or be received by BCFIRB within 2 calendar days of your application. [emphasis in original]

The March 26, 2015 decision of the BC SPCA advised you of your right to appeal to BCFIRB, noted that “the appeal is time sensitive and must be received within four days from receipt of this decision” and provided BCFIRB telephone and email contact information.

**British Columbia
Farm Industry Review Board**

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
780 Blanshard St
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.firb.gov.bc.ca

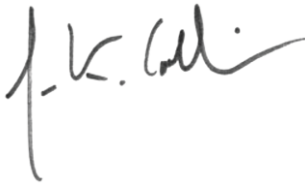
On March 30, 2015, prior to the 4:30 p.m. deadline, the BCFIRB office received an email with notice of your appeal.

In telephone communications with BCFIRB case management staff on March 27, 30, 31 and April 1, 2015, you were advised of the strict appeal notice and filing fee requirements in keeping with the timeliness contemplated in the *PCAA* for addressing animal welfare issues on appeal. On March 27, it was even suggested that you consider sending the fee in advance of the actual filing of your appeal to ensure that it was received on time. Discussions subsequent to the filing of the appeal included specific reference to the 4:30 p.m., April 1 deadline for receipt of the filing fee. As of approximately 2:30 p.m. yesterday, April 1, you advised case management staff that you still had not sent the filing fee.

Given the foregoing and that the filing fee was not received by this office until this morning, after the above deadline, your appeal of the March 26, 2015 decision was not received in time.

The filing fee will be returned to you.

Yours truly,

A handwritten signature in black ink, appearing to read "J. K. Collins". The signature is written in a cursive style with a long, sweeping underline.

Jim Collins
Executive Director/Registrar

cc: Marcie Moriarty
Chief Prevention and Enforcement Officer
BC Society for the Prevention of Cruelty to Animals