



December 8, 2016

File: PCAA/#16-13

DELIVERED BY EMAIL

Marissa Stremler
[REDACTED]
[REDACTED]

Dear Ms. Stremler:

DECEMBER 1, 2016 DECISION OF THE BC SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (BC SPCA) REGARDING THE SEIZURE OF TWO 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 review decisions such as the above captioned December 1, 2016 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.

In this case, the December 1, 2016 decision of the BC SPCA advised you of your right to appeal to BCFIRB, noted that “the appeal is time sensitive” and provided BCFIRB telephone and email contact information.

On December 5, 2016, the BCFIRB office received a courier package containing your Notice of Appeal. The required \$100 filing fee, which could have been included in the courier package, was not included and instead the Notice of Appeal stated that the “filing fee is enroute”.

On December 5, 2016, BCFIRB staff left a voicemail on the number you provided in your Notice of Appeal confirming receipt of your Notice of Appeal and advising you that the \$100 filing fee was due no later than 4:30 pm on Wednesday, December 7, 2016 and that the appeal would not be accepted if the filing fee wasn't received by that time.

**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 December 7, 2016 BCFIRB staff left a second voicemail on the number provided reminding you that the filing fee for your appeal was due by 4:30 pm and reiterating that the appeal would not be accepted if the filing fee was not received. BCFIRB staff also advised you that the filing fee could be paid by credit card and provided their contact information for you to contact them directly to discuss payment options.

On December 7, 2016 at approximately 3:30 pm, you spoke with BCFIRB staff and confirmed that the filing fee had not been sent and that you were unable to pay the filing fee. Staff again provided the option of payment by credit card and you advised that was not an option. Staff advised that if filing fee was not received then the appeal could not proceed.

Given all the foregoing and the fact that no filing fee was received by this office by the above deadline, your appeal of the December 1, 2016 decision was not received in time. If received, the filing fee will be returned to you.

Yours truly,



Kirsten Pedersen
Executive Director/Registrar

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