

IN THE MATTER OF THE PREVENTION OF CRUELTY TO ANIMALS ACT,
R.S.B.C. 1996, c. 372 AND AN APPEAL FROM A REVIEW DECISION OF
THE BC SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
CONCERNING THE SEIZURE OF THREE DOGS

BETWEEN:

ELANA TABOULINSKAIA

APPELLANT

AND:

BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO
ANIMALS

RESPONDENT

DECISION

APPEARANCES:

For the British Columbia Farm Industry
Review Board

Dennis Lapierre, Presiding Member
Harveen Thauli, Member

For the Appellant

Self-represented

For the Respondent

Chris Rhone, Counsel

Date of Hearing

February 18, 2020

Place of Hearing

Teleconference

Introduction

1. The Appellant, Elena Taboulinskaia is a 50 year old interior designer who, on or about December 31, 2019 was living in an apartment in Vancouver, British Columbia. She is the owner of three Pit Bull type dogs: Baz, a 9 year old neutered male, Knopa, a 5 year old intact female, and Monia, a 5 year old intact female.
2. On December 31, 2019 the British Columbia Society for the Prevention of Cruelty to Animals (the “Society”) seized the dogs from the Appellants residence. On January 16, 2020, the Appellant filed an appeal with the British Columbia Farm Industry Review Board (BCFIRB) of the review decision of the Society, dated January 16, 2020, which upheld the seizure and the decision not to return the dogs.
3. Section 20.6 of the *Prevention of Cruelty to Animals Act*, R.S.B.C. 1996, c. 372 (*PCAA*) permits BCFIRB, on hearing an appeal in respect of an animal, to require the Society to return the animal to its owner with or without conditions, or to permit the Society, in its discretion to destroy, sell or otherwise dispose of the animals. Under the *PCAA*, appeals to BCFIRB are broad in nature, as set out in detail in *BC Society for the Prevention of Cruelty to Animals v. British Columbia Farm Industry Review Board*, 2013 BCSC 2331.
4. The Appellant represented herself, testified, and called four witnesses: Timur Petrov, Alexandre Routovski, Danila Lazikov, and Marina Romanchouk. The Society was represented by counsel and called three witnesses: Special Provincial Constable (SPC) Jacqui Hall, SPC Britney Collins, and Dr. Mark Steinebach, a veterinarian who was accepted by the Panel as an Expert Witness, able to offer expert opinions on both medical and behavioural matters relating to dogs.
5. For the reasons outlined below, the Panel permits the Society, in its discretion to destroy, sell or otherwise dispose of the animals. The Panel finds the Appellant liable to the Society for costs in the amount of **\$4344.21**. (reflecting the total as outlined in the February 7, 2020 affidavit of Marcie Moriarty, less \$283.50, a reduction sought by the Society’s counsel in her closing remarks, as an amount not normally charged in such matters.)

Pre-hearing matters

6. On Thursday, February 13, 2020 at 4:37 pm, the Appellant, via e-mail to BCFIRB, requested the hearing, scheduled for February 18, 2020, be rescheduled because her lawyer would not be available for the scheduled date, saying she would let BCFIRB know as soon as she heard back about his availability. The Appellant’s request was in response to a procedural e-mail sent to the Appellant. No previous request to adjourn or reschedule the hearing date had been made up to that time.
7. On Friday, February 14, 2020, in response, counsel for the Society opposed the Appellant’s request, citing the length of time the Appellant had to retain counsel, the lateness of the request, the urgent medical needs of the seized dogs, and the mounting costs of keeping the animals in care.

8. The Presiding Member for the appeal agreed with the Society and refused the request, which was delivered via e-mail February 14, 2020 to the Appellant.
9. On Saturday, February 15, 2020, the Appellant, via e-mail to BCFIRB notified that she had retained a lawyer, but that he needed two weeks in order to question her witnesses.
10. On Sunday, February 16, 2020, counsel for the Society included BCFIRB in the e-mail exchange between the Appellant and the Society's counsel in which the Society's counsel advised she "looked up your lawyer and he is not called in BC to practice, nor can I find him using a Google search."
11. On Sunday, February 16, 2020, the Appellant, via e-mail to BCFIRB stated that she required a free Russian interpreter because her ability to understand and communicate in English was limited. No previous requests regarding an interpreter for the hearing had been made by the Appellant and all communication between the Appellant, BCFIRB and the Society had been in English to that date. No further response from by the Presiding Member was provided to the Appellant over the weekend. February 17, 2020 was the Family Day statutory holiday in British Columbia and BCFIRB offices did not re-open until the hearing date on Tuesday, February 18, 2020.
12. On the hearing date, Tuesday, February 18, 2020, the Presiding Member had a brief conversation immediately before commencing the hearing, the purpose of which was to determine whether the Appellant was capable of fully participating in the hearing without an interpreter. Being satisfied that the Appellant seemed fully capable of communicating in the English language, the Presiding Member advised the Appellant the hearing would go ahead as scheduled. The hearing, conducted via telephone, then began.

Material Submitted on this Appeal

13. The following were entered as Exhibits:

Exhibit 1	Jan 16, 2020	Notice of Appeal
Exhibit 2	Jan 17, 2020	Filing fee
Exhibit 3	Jan 16, 2020	BCSPCA Decision, January 16, 2020
Exhibit 4	Jan 21, 2020	BCFIRB NOA Process Letter
Exhibit 5	Jan 28, 2020	BCSPCA Initial Document Disclosure (Tabs 1-20)
Exhibit 6	Jan 28, 2020	BCSPCA Cover Letter for Doc Disclosure
Exhibit 7	Jan 31, 2020	Appellant Email re Submissions
Exhibit 8	Feb 7, 2020	Appellant Witness Contact Form (MR)
Exhibit 9	Feb 7, 2020	Appellant Witness Contact Form (TP< AR, DL)
Exhibit 10	Feb 7, 2020	Appellant Affidavit (no name)
Exhibit 11	Feb 7, 2020	Appellant 299848 Notice B24120 JHALL Sept 16, 2019

Exhibit 12	Feb 7, 2020	Appellant 301910 Notice B26354 JHALL Nov 3, 2019
Exhibit 13	Feb 7, 2020	Appellant 304220, ITO final, TABOULINSKAIA
Exhibit 14	Feb 7, 2020	Appellant Animal Hospital Invoice 1
Exhibit 15	Feb 7, 2020	Appellant Animal Hospital Invoice 2
Exhibit 16	Feb 7, 2020	PetSmart Supplies
Exhibit 17	Feb 7, 2020	Appellant Taboulinskaia January 7, 2020 Dispute
Exhibit 18	Feb 7, 2020	Appellant Taboulinskaia January 16, 2020 Decision
Exhibit 19	Feb 7, 2020	Appellant Photos and Documents mix
Exhibit 20	Feb 7, 2020	Appellant Videos
Exhibit 21	Feb 10, 2020	BCSPCA cover letter submissions and Tabs 34-35
Exhibit 22	Feb 10, 2020	BCSPCA Written Submissions
Exhibit 23	Feb 10, 2020	BCSPCA Affidavit #1 of Marcie Moriarty
Exhibit 24	Feb 10, 2020	BCSPCA Witness Contact Form
Exhibit 25	Feb 10, 2020	BCSPCA Expert Witness Contact Form
Exhibit 26	Feb 10, 2020	BCSPCA Updated Document Disclosure Index
Exhibit 27	Feb 10, 2020	BCSPCA Tab 21
Exhibit 28	Feb 12, 2020	BCSPCA Landlord statement and text msg screenshots
Exhibit 29	Feb 13, 2020	BCSPCA City of Vancouver Animal Control File

Events leading up to the Seizure

14. The Information to Obtain (ITO) a Search Warrant prepared by SPC Brittney Collins outlines a history of complaints against the Appellant dating from September 7, 2019. The complaints were principally of dogs barking in a manner indicative of distress. On September 16, 2019, SPC Jacqui Hall, responding to a complaint of the dogs howling and barking found they were being kept at the appellant's property. There, she spoke to their owner, the Appellant, and found the dog "Baz" in the bathroom. While being held on a choke-chain by the Appellant, the dog growled, showed aggressive behaviour, and lunged at SPC Hall. On the balcony were two other dogs, "Monia" and "Knopa". Monia appeared to have long, curled nails, multiple scars on her body, a lesion on her abdomen, and was observed shaking her head. Knopa appeared to have long, curled nails and blood on her nose.
15. The premises in which the dogs and the Appellant lived was a one-room bachelor suite containing only a pillow and blanket on the floor, and no observable furniture.
16. In conversation with the Appellant, SPC Hall learned that the dogs often fought with each other, which explained the multiple scars on their bodies and why, the Appellant explained, they were often separated.
17. On that date, SPC Collins issued a Notice B24120 (attached to the ITO) directing the Appellant to address the dog's nail needs, have the dogs examined by a veterinarian within

7 days, and provide appropriate shelter, exercise, and separation. On this occasion, the instructions to have the dogs examined were followed by the Appellant.

18. On October 8, 26, and 30, 2019, the SPCA Complaint Centre received additional telephone complaints that the dogs were barking in a distressed manner, that they were being continually left on the balcony, that they were apparently not being exercised, and that they were being left without adequate shelter on the balcony.
19. On November 3, 2019, SPC Hall and an Animal Control Officer visited the Property and spoke with the Appellant about whether she had kept her follow-up appointment with the veterinarian. She stated that she had not taken the dogs to the follow-up appoint as the dogs were much better. On this occasion, the officers saw two dogs on the balcony, Baz and Knopa, which were whining and at one point, the dog Baz directed aggression towards Knopa. None of the dogs' nails had been addressed. When released, the dog, Monia, retreated to a closet, where she became contained. The officers noted the bathroom door had been torn in half by the dogs. The Appellant was then issued another Notice, instructing her to, within 7 days, have the dogs nail needs addressed, ensure proper ventilation when the dogs were confined in an enclosed space, not to leave the dogs on the balcony, and to provide them with exercise by walking the dogs twice per day.
20. On November 19/2019, the Society received another complaint of the dogs being left on the balcony and that they were not being walked.
21. On December 28, 2019, an SPCA Night Emergency Patrol officer, Aleigh Atyeo responded to a complaint by the apartment landlord that the dogs appeared to have been left alone in the Appellant's suite for up to 7 days without food or water. Getting no response at the Property door, the responding officer posted a Notice on the Property front door.
22. On December 29, 2019, SPCA Animal Protection Officer (APO), Sandra Windover, and Vancouver Animal Control Officers Tyler Giller and Stephen Gibson were let into the Property by the landlord, who had agreed to sign a 3rd party surrender form. The officers found the dogs wandering freely inside. There were feces on the floor, which was wet with urine, and no food or water was visible. Baz acted aggressively towards the officers and all the dogs were acting aggressively towards each other. After 2 hours spent trying to contain and remove the animals the officers determined it was unsafe for them to continue and left.
23. On December 30, 2019, officer Windover, accompanied by ACO's Brown and Lever returned to the Property and were met at the door by the Appellant, who reported to Windover that she had been away "for a couple of days due to work". Baz was on the balcony, with water, and Knopa and Monia were confined in the closet. There were 5 piles of feces on the balcony. There were urine-soaked towels and feces piled in the corner of the apartment, and two empty bowls and an empty soup pot on the floor. In this conversation, ACO Windover reminded the Appellant of the Notices; that the living conditions for the dogs were unacceptable, and that the Appellant was not complying with

the SPCA recommendations. She offered for the Appellant to surrender one or more of the dogs. The Appellant declined the offer.

24. Based on this history, the unresolved interactions with the Appellant, and fears for the well-being of the dogs, SPC Collins sought and obtained a Warrant to Search, which was executed near noon December 31, 2019. The seizure required feeding the dogs sedatives thrown through the partially blocked entrance door to quiet them and required RCMP assistance to gain the compliance of the Appellant, who appeared intoxicated.

Review Decision

25. On January 16,2020, Marcie Moriarty, Chief Prevention and Enforcement Officer for the Society issued her review decision via e-mail to the Appellant. In it, she reviewed the ITO of SPC Collins, the Notices dated September 16,2019 and November 3,2019, the photographs taken during the exercise of the Warrant, the various e-mails from the Appellant, and the various e-mails from others in support of the Appellant. She concluded that the Appellant was the person responsible for the seized dogs, that SPC Collins had reasonably formed the opinion that the dogs were in distress as defined by s. 1(2) of the Act, and that the seizure took place in accordance with the Act.
26. In considering whether to return the dogs, Ms. Moriarty reviewed the history of the interactions that the Appellant had with attending SPCA officers since September 16,2019, and noted that she was given several opportunities to comply with the directions that she was given by the officers, which were, in large, not met. Ms. Moriarty further noted the incident on December 28,2019 which was initiated by a concern that the dogs had been left alone in the Property for several days without food or water during which the dogs were acting aggressively towards each other to the extent the attending officers felt unsafe and were forced to retreat. Ms. Moriarty further noted that when the officers returned the next day to exercise the Warrant, they again observed the same separation pattern, this time with one dog on the balcony and two confined in the closet. As such, Ms. Moriarty concluded, "I find that after reviewing the history, the fact that you felt it ok to leave your Dogs unattended for a few days, and the serious risk of injury that the Dogs face due to their fighting, that it is not in the best interest of the Dogs to be returned to you."

Key Findings of Fact and Evidence

27. It was clear throughout the hearing that English is not the Appellant's first language. She spoke with a heavy Russian accent. However, she seemed quite able to understand the proceedings, was able to provide understandable answers and was able to ask clearly understood questions of the witnesses. As an unrepresented Appellant, she often interjected, leading evidence or offering corrections, such that the Presiding Member found her command of the English language not to be a significant impediment to the Appellant's ability to represent herself at the hearing.
28. The Appellant called four witnesses, each of whom, in response to her questions about how she treated her dogs, offered supportive evidence: the dogs were never mistreated, always

properly fed, had toys to play with and were taken outside for walks 2 to 3 times/day. Each had known the Appellant for significant lengths of time; many years in all cases. Most had been to or in the apartment visiting perhaps once per week. None had seen the dogs act aggressively. One witness, Mr. Routkovski testified seeing the Appellant take the dogs for a walk, one at a time maybe three times, and recalled the Appellant reporting to him at around 10pm, her intentions of taking the dogs for a walk. He had helped the Appellant buy dog food and helped her generally by driving her places. His visits with the Appellant were no more than 10 to 15 minutes in length.

29. Similar evidence was offered by Timur Petrov. He stated that he had known the Appellant for approximately 10 years. He had been to the Property, but had never been inside. He testified that the dogs slept with the Appellant, and that they always had water and toys.
30. The witness Danila Lazikov, 24 years of age, is the Appellant's son. He doesn't live with her and wasn't certain about how his mother earned a living. He wasn't sure how long the Appellant had lived in her Property, estimating one year, but admitted to being the leaseholder and the person who paid the rent. He testified that his mother repaid him for rent half of the time, using cash. He testified that his mother had raised the dogs from birth and recalled one dog being taken to a veterinarian as a pup and having to face an expensive veterinarian bill. He stated that the dogs were fed not only brand-name dog food but beef, cottage cheese, and sour cream. He reported that the Appellant slept with the dogs two-at-a-time so that none of them would feel left out and that they were the happiest dogs he had ever seen. The witness knew of the dog issues identified by the landlord and that the dogs were kept separated out of necessity because they sometimes fought with each other. He stated that he was the last person in the apartment in January 2020 and, seeing damage to the bathroom door, admitted this was not the condition the apartment was in when he first rented it. He was aware that his mother was being evicted from the apartment and was aware of the dogs being surrendered to the Society by the landlord. He didn't recall seeing feces on the floor or floorboard warped, apparently from being soaked with urine. He reported that his mother was living with him at the time of the hearing, but that pets are not allowed where he lives. He stated that he and his mother are looking for a new place, but that they haven't found anything yet. He is currently unemployed.
31. In response to questions about why the dogs should be returned to his mother, Mr. Laszikov testified that his mother cries every day, that she has had maybe three heart attacks over the years and that losing the dogs might affect her health. He had not read any of the veterinary reports about the dogs.
32. The witness Marina Romanchouk is a friend of the Appellant and has known her for approximately 7 years. She believed the dogs were well cared for and seemed happy. She had never seen them act aggressively, but had only been to the Appellant's residence a couple of times, approximately two years prior to the hearing and had not been to the Property. She stated that she knew the dogs were taken out a couple of times/day, but admitted to only being there once when it occurred.

33. In testifying on her own behalf, the Appellant corrected some of the testimony of other witnesses, saying she had been living in her apartment, (the Property) for only 2 to 3 months, and that she worked 4 days/week for two hours at a time as an interior designer. She stated that the dogs were only left alone in the apartment for a couple of hours and that she kept them separated to prevent them from fighting with each other. She stated that they do not fight when she is at home. She stated that she kept two dogs in the bathroom and one on the balcony when it is warm outside and that she takes the dogs one at a time outside for a walk at night. She noted that she has the dogs wear muzzles on their walks because she worries about them attacking other dogs. She stated that she usually takes the dogs out 2 times/day for 15 to 25 minutes each time.
34. In response to questions about why the dogs wore muzzles when taken out for a walk, the Appellant repeated that it was because she worried that her dogs would attack other dogs.
35. When asked about the condition of the dogs nails and teeth, the Appellant first refuted the evidence of the Society, saying the Society told her the dogs nails were fine, but then said that she would trim the nails when the dogs were returned. She stated that she trims the dogs nails every 6 months. With respect to the dogs having broken teeth, the Appellant stated that it was from chewing on bones.
36. When questioned regarding a past SPCA complaint in which it was alleged that one of her dogs had broken the jaw of another dog in a fight (Exhibit 29 p.6, dated September 14/2019), the Appellant offered no recollection of that incident.
37. The evidence of SPC Jacqueline Hall and of SPC Brittney Collins was consistent with the information contained in the ITO noted above. Though not present when the dogs were seized, SPC Hall said she was at the Property on September 15,16, and November 3. She testified that on September 16, 2019, she observed the three dogs. On that date, Baz was on a chokechain, appeared to have injured eyes as well as multiple scars on his body, and was shaking his head, likely as the result of an ear problem. She advised the Appellant to take Baz to a veterinarian to address the injured eyes and head-shaking. She further observed the two other dogs on the balcony, through the glass doors, and noted that one had an injury on its abdomen, with the other showing blood on its nose. Both dogs on the balcony had long toenails. She issued the Appellant a Notice on that date, to address all of the dogs' needs within 7 days.
38. Returning on November 3,2019, she testified that the dogs looked better, and that the wounds appeared to be healing, but that the toenails were still untrimmed.
39. In order to examine the dogs one at a time, SPC Hall had to exit the suite while the Appellant moved them around. The dogs acted aggressively towards the SPC Hall.
40. On this same November 3,2019 occasion, the SPC Hall noted the dogs had apparently eaten through an inside door and the floor was showing wear and warp from being wet, presumably with urine

41. SPC Brittney Collins testified that she composed the ITO and was present to execute the Warrant to Search on December 31, 2019. She testified that sedatives had to be thrown into the apartment through a partially blocked door to calm the dogs. She took photos once inside the apartment (exhibit 19, Tab #7 pp 29-39) showing a plugged toilet, a door apparently chewed through by the dogs, a gyproc wall in the closet that had been chewed through, and wooden moulding on the outside wall at the edge of the patio doors on the deck that had been chewed by the dogs. The dogs were then seized on that occasion by the attending officers and taken to a shelter.
42. Dr. Mark Steinebach, a veterinarian, was accepted as an Expert Witness by the Presiding Member on matters relating to both medical and behavioural aspects of dogs. He testified that he conducted a hands-on examination of each of the dogs on January 9, 2020. The dogs each had to be sedated and restrained with a “catch pole” and a muzzle to be examined.
43. In his written report, dated January 16, 2020, he noted the dog “Baz” exhibited overt aggression even when sedated. Baz exhibited marked wear to his canine teeth, typically consistent with bar-chewing, and old healed bite wounds as well as overgrown toenails. He summarized that with this dog, the dental wear would have resulted in nerve exposure and pain. In his testimony, he stated that the dog’s canine teeth and incisors were readily visible when it pants. Anyone could notice this dog’s teeth problems. They were obvious.
44. The dog “Knopa” showed significant dental injury to her canine and incisor teeth, also typically noted with bar chewing. Her toenails were markedly overgrown, in particular, her hind dewclaws that showed dramatic overgrowth to the point that the nail tip had curled around and was impacting the digital pad. She also exhibited aggression issues, a large mammary chain mass, and a chronic bleeding tail wound.
45. The dog “Monia” continued to show overt aggression even when pre-medicated. She showed injury to the canine and incisor teeth, typically noted with bar chewing, and exposure to the pulp canals. She also had a dead as well as a fractured tooth, and markedly overgrown toenails. This dog also had a growth on her abdomen, which hadn’t yet been biopsied.
46. In both his testimony as well as in his written report, Dr. Steinebach noted the problem with overgrown toenails is more than cosmetic. It can cause deviation of the attached foot and thus deviation of all other attached limb structures. In other words, limb injury and joint pain. With unexercised dogs, such nails could grow out in 6 to 8 weeks.
47. Concerning the dogs’ aggression, Dr. Steinebach, offered that such issues bring into question their living circumstances. In his written report, he stated “The aggression issues bring into question the caretakers provision of a living circumstance that provided for the socio-behavioural needs and wellbeing of these dogs. Overt and unmitigated aggressive behaviours may in these cases be related to inadequate, normal socialization, presence of chronic pain, maladaptive circumstances, or due to a conditioned response. The mental health and well-being of such affected dogs is certainly in question. The presence of

unaddressed, chronic pain-inducing illness/anomalies and the presence of overt unmitigated aggressive behaviour in all 3 of these individuals lead one to surmise that these dogs certainly were not cared for in any appropriate fashion.”

48. In his testimony, Dr. Steinebach spoke about pack behaviour of dogs, and offered that even with isolating any one of the three dogs, and with professional handling, the likelihood was low that any of the dogs could be reformed and returned to normal. Further, he offered that these dogs could easily become a safety threat to people, and even to the Appellant if they were returned.

Analysis and Decision

Distress

26. The definition of “distress” is set out in s. 1(2) of the PCAA which must be read together with s. 11:

s. 1 (2)- For the purposes of this Act, an animal is in distress if it is

(a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care or veterinary treatment,

(a.1) kept in conditions that are unsanitary,

(a.2) not protected from excessive heat or cold,

(b) injured, sick, in pain or suffering, or

(c) abused or neglected.

s. 11- If an authorized agent is of the opinion that an animal is in distress and the person responsible for the animal

(a) does not promptly take steps that will relieve its distress, or

(b) cannot be found immediately and informed of the animal's distress,

the authorized agent may, in accordance with sections 13 and 14, take any action that the authorized agent considers necessary to relieve the animal's distress, including, without limitation, taking custody of the animal and arranging for food, water, shelter, care and veterinary treatment for it.

49. The Panel heard an abundance of evidence in the hearing that the Appellant’s three dogs were suffering from distress. The evidence of the attending officers noted an absence of food, water, adequate shelter, space and exercise, care and veterinary treatment. The dogs were kept in unsanitary conditions, were neglected, were overtly aggressive, and were injured and suffering pain.
50. The evidence offered by the attending officers was in marked contrast to that offered by the Appellant’s friends and son, whose evidence was nevertheless vague, based on infrequent observation, and inconsistent with the actual behaviours the dogs exhibited, and the injuries that they were suffering.

51. The Panel accepts the dogs were in distress at the time of the seizure and thus the seizure was warranted.

Return of the dogs

52. The Panel now turns to the question of whether the dogs should be returned to their owner with or without conditions or to permit the Society, in its discretion to destroy, sell or otherwise dispose of the animals.
53. The evidence offered by the attending officers about the overt aggression shown by the dogs to each other and to the officers; the two futile hours the officers spent trying to apprehend the dogs; and the need for the dogs to be administered sedatives in order to be apprehended, using catch-poles, is overwhelming. That evidence, coupled with the evidence of an Expert Witness, Dr. Mark Steinebach, of the consequences of the dogs being kept in the conditions that they were in, and the improbability that any of the dogs could be rehabilitated, even if separated gives the Panel, without hesitation, no choice but to confirm the Society's decision to refuse to return the dogs to the Appellant.

Order

27. Section 20.6 of the PCAA reads as follows:

On hearing an appeal in respect of an animal, the board may do one or more of the following:

- (a) require the society to return the animal to its owner or to the person from whom custody was taken, with or without conditions respecting (i) the food, water, shelter, care or veterinary treatment to be provided to that animal, and (ii) any matter that the board considers necessary to maintain the well-being of that animal;
 - (b) Permit the society, in the society's discretion, to destroy, sell or otherwise dispose of the animal;
 - (c) confirm or vary the amount of costs for which the owner is liable under section 20(1) or that the owner must pay under section 20(2).
54. In this case, the Panel permits the Society, in the Society's discretion, to destroy, sell or otherwise dispose of the three dogs: Baz, Knopa and Monia.

Costs

55. Section 20(1) of the PCAA states: The owner of an animal taken into custody or destroyed under this Act is liable to the society for the reasonable costs incurred by the society under this Act with respect to the animal.
56. The Society is seeking to recover \$4344.21 which includes all care costs from the time of seizure. The Appellant did not dispute the Society's claim for costs. The Panel has reviewed the Affidavit of Ms. Moriarty and the claim for costs and finds the Society's costs reasonable. As such, we confirm, pursuant to s. 20.6(c) of the PCAA, that the Appellant is liable to the Society for the amount of **\$4344.21**.

Dated at Victoria, British Columbia this 28th day of February 2020.

BRITISH COLUMBIA FARM INDUSTRY REVIEW BOARD

Per:



Dennis Lapierre, Presiding Member



Harveen Thauli, Presiding Member