



## BC Farm Industry Review Board

December 22, 2021

File: P2120

### DELIVERED BY EMAIL

Blake Edward  
[REDACTED]

Marcie Moriarty  
Chief Prevention and Enforcement Officer  
BC SPCA  
1245 East 7th Avenue  
Vancouver, BC V5T 1R1

### RE: EDWARD VS. BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (BCSPCA)

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 17, 2021 decision to be filed within four days of receiving the reasons for decision.

The definition of “day” in the *Interpretation Act*, RSBC 1996, c. 238 defines “day” by reference to the office’s “regular business hours”. As the offices of BCFIRB close at 4:30 pm, the legal rule, as set out in s. 25(3) of the *Interpretation Act*, is that the notice of appeal is deemed received the next business day. In this case, December 22, 2021. Further, and in the interest of timeliness in addressing animal welfare issues, there is no provision under the *PCAA* for BCFIRB to extend the time for filing appeals.

### Relevant Chronology

The BC SPCA issued its review decision on December 17, 2021 and it was sent to Mr. Edward’s email address at 4:21 pm. In that decision, the BC SPCA advised Mr. Edward of his right to appeal to BCFIRB and noted that “the appeal is time sensitive” and provided BCFIRB telephone and email contact information.

The BC SPCA received the following email from Mr. Edward:

**From:** Blake Forrest Edward [REDACTED]  
**Sent:** December 20, 2021 12:08 AM  
**To:** Olivia Dohnal <[REDACTED]>  
**Subject:** Re: TIME SENSITIVE - Decision Letter

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**Web:**

Email: [firb@gov.bc.ca](mailto:firb@gov.bc.ca)

Website: [www.gov.bc.ca/BCFarmIndustryReviewBoard](http://www.gov.bc.ca/BCFarmIndustryReviewBoard)

**Phone:**

Info: 250 356-8945

Fax: 250 356-5131

**Mail:**

PO Box 9129 Stn Prov Govt  
Victoria BC V8W 9B5

**Location:**

2975 Jutland Rd  
Victoria, BC V8T 5J9

Received, thank you.

Kind Regards, Blake Edward

Mr. Edward sent his notice of appeal by email on Tuesday December 21, 2021 at 5:28 pm to BCFIRB's office.

On December 22, 2021 at approximately 9:00 am, Mr. Edward contacted BCFIRB case management to confirm that he had filed his appeal. He acknowledged receiving the review decision on Friday, December 17, 2021 and his understanding that he had four business days to file his appeal.

Case management staff referred Mr. Edward to page three of his completed Notice of Appeal, where under the heading **Appeal Time Limits** it states:

Appeal must be received by BCFIRB within four (4) calendar days of you getting the BC SPCA decision.

Filing fees for these appeals must be received by BCFIRB within six (6) calendar days of you getting the BC SPCA decision.

To calculate the four (4) days, start counting on the day after you receive the BCSPCA decision. If BCFIRB is not open on the 4th day (e.g. weekend or holiday) the time is extended to the next day the office is open. The same method is used to calculate the six (6) days for the filing fee.

## Decision

As Mr. Edward confirmed to case management staff that he "received" the BC SPCA's review decision on Friday, December 17, 2021, to calculate the four calendar days he should have counted Saturday, Sunday, Monday and then ensured his notice of appeal was received before the close of business on Tuesday (4:30 pm December 21, 2021).

As the appeal was received after 4:30 pm (at 5:28 pm), per the legal rule described previously in this letter, the appeal was not received by BCFIRB until December 22, 2021. As such, the appeal has been filed out of time and BCFIRB has no discretion to extend the time for filing the appeal.

Yours truly,



Kirsten Pedersen  
Executive Director/Registrar